BISHOP BURNET'S

HISTORY

OF

HIS OWN TIME.

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HIS OWN TIME:

WITH THE

SUPPRESSED PASSAGES OF THE FIRST VOLUME,

AND NOTES

BY THE

EARLS OF DARTMOUTH AND HARDWICKE,

AND

SPEAKER ONSLOW,

HITHERTO UNPUBLISHED.

To which are added

THE CURSORY REMARKS OF SWIFT,

AND OTHER OBSERVATIONS.

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THE 344

HISTORY

OF

MY OWN TIMES.

BOOK III.

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

HITHERTO the reign of king Charles was pretty serene and calm at home. A nation weary of a long civil war was not easily brought into jealousies and fears, which were the seeds of distraction, and might end in new confusions and troubles. But the court had now given such broad intimations of an ill design, both on our religion and the civil constitution, that it was no more a jealousy: all was now open and barefaced. In the king's presence the court flatterers were always magnifying absolute government, and reflecting on the insolence of a house of commons. The king said once to the earl of Essex, as he told me, that he did not wish to be like a grand signior, with some mutes about 345

1673.

Great jealousies of the king.

1673. him, and bags of bow-strings to strangle men as he had a mind to it: but he did not think he was a king, as long as a company of fellows were looking into all his actions, and examining his ministers, as well as his accounts. He reckoned, now he had set the church party at such a distance from the dissenters, that it was impossible to make them join in opposition to his designs. He hoped, the church party would be always submissive: and he had the dissenters at mercy.

The proceedings of the former year had opened all men's eyes. The king's own religion was suspected, as his brother's was declared: and the whole conduct shewed a design to govern by the French model. A French general was brought over to command our armies. Count Schomberg, who was a German by birth, (but his mother was an English woman,) was sent over. He was a firm protestant, and served at first in Holland. But upon the prince of Orange's death he went into France, where he grew into so high a reputation, that he was kept under, and not raised to be a marshal, only on the account of his religion. He was a calm man, of great application and conduct, [beyond what was expected by those who knew him on other occasions: for he was too much a German in the liberties he allowed himself in entertainments; but when he commanded armies, he kept himself to better rules.] He thought much better than he spoke. He was a man of true judgment, of great probity, and of an humble and obliging temper: and at any other time of his life he would have been very acceptable to the English. But now he was looked on as one sent over from France to bring our army

Schomberg brought to command the army.

under a French discipline: and so he was hated by the nation, and not much loved by the court. He was always pressing the king to declare himself the head of the protestant party. He pressed him likewise to bring his brother over from popery: but the king said to him, you know my brother long ago, that he is as stiff as a mule. He liked the way of Charenton so well, that he went once a week to London to the French church there, that was according to that form: so the duke and lord Clifford looked on him as a presbyterian, and an unfit man for their purpose. The duke of Buckingham hated him; for he hoped to have commanded the army. And as an army is a very unacceptable thing to the English nation, so it came to be the more odious, when commanded by a general sent over from France. Schomberg told me, he saw it was impossible that the king could bring any great design to a good effect: he loved his ease so much, that he never minded business: and every thing that was said to him of affairs was heard with so little attention, that it made no impression. 1673. 346

The court was much divided.

The ministry was all broke to pieces. The duke of Buckingham was alone, hated by all, as he hated all the rest. But he went so entirely into all their ill designs, that the king considered him, and either loved or feared him so much, that he had a deep root with him. Lord Clifford stuck firm to the duke, and was heated with the design of bringing in popery, even to enthusiasm. It was believed, if the design had succeeded, he had agreed with his wife to take orders[a], and to aspire to a cardinal's hat.

[a] Was he or she to take orders? S.

1673. He grew violent; and could scarce speak with patience of the church of England and of the clergy. The earl of Arlington thought that the design was now lost, and that it was necessary for the king to make up with his people in the best manner he could. The earl of Shaftsbury was resolved to save himself on any terms [b].

A session of parliament.

The money was exhausted: so it was necessary to have a session of parliament. And one was called in the beginning of the year. At the opening it, the king excused the issuing out the writs, as done to save time, and to have a full house at the first opening: but he left that matter wholly to them: he spoke of the declaration for liberty of conscience in another style: he said he had seen the good effects of it; and that he would stick to it, and maintain it: he said, he was engaged in a war for the honour of the nation, and therefore he demanded the supplies that were necessary to carry it on. On these heads lord Shaftsbury enlarged. But no part of his speech was more amazing than that, speaking of the war with the Dutch; he said, *Delenda est Carthago.* Yet, while he made a base complying speech in favour of the court and of the war, he was in a secret management with another party.

The house of commons was upon this all in a

[b] I heard the first duke of Bolton say, that at this time the duke of Buckingham, lord Shaftsbury, and a great deal of company, dined at his house, and after they had drank very freely, the duke of Buckingham began to tell some of their secrets, which Shaftsbury had no way to prevent but by giving him the lie, which turned the discourse into a quarrel, that was made up before they parted. D. (The secrets were those of a ministry composed of whigs, romanists, and atheists, who were the advisers of the worst measures of this reign.)

flame. They saw popery and slavery lay at the bottom. Yet, that they might not grasp at too much at once, they resolved effectually to break the whole design of popery. They argued the matter of the declaration; whether it was according to law, or not. It was plainly an annulling of the penal law, made both against papists and dissenters. It was said, that though the king had a power of pardoning, yet he had not a power to authorize men to break laws. This must infer a power to alter the whole government. The strength of every law was the penalty laid upon offenders: and, if the king could secure offenders by indemnifying them beforehand, it was a vain thing to make laws; since by that maxim they had no force, but at the king's discretion. Those who pleaded for the declaration pre- 347
tended to put a difference between penal laws in spiritual matters and all others: and said that the king's supremacy seemed to give him a peculiar authority over these: by virtue of this it was, that the synagogue of the Jews and the Walloon churches had been so long tolerated. But to this it was answered, that the intent of the law in asserting the supremacy was only to exclude all foreign jurisdiction, and to lodge the whole authority with the king: but that was still to be bounded and regulated by law: and a difference was to be made between a connivance, such as that the Jews lived under, by which they were still at mercy, and a legal authority: the parliament had never disputed the legality of the patent for the Walloon congregations, which was granted to encourage strangers, professing the same religion, to come among us, when they were persecuted for it in their own coun-

1673. The declaration was voted illegal.

1673. try: it was at first granted only to strangers: but afterwards in the days of their children, who were natives, it had been made void: and now they were excepted by a special clause out of the act of uniformity. The house came quickly to a very unanimous resolution, that the declaration was against law. And they set that forth in an address to the king, in which they prayed that it might be called in. Some were studying to divert this, by setting them on to inquire into the issuing out the writs. And the court seemed willing that the storm should break on lord Shaftsbury, and would have gladly compounded the matter by making him the sacrifice. He saw into that; and so was resolved to change sides with the first opportunity.

A bill for a new test.

The house was not content with this: but they brought in a bill disabling all papists from holding any employment or place at court; requiring all persons in public trust to receive the sacrament in a parish church, and to carry an attested certificate of that, with witnesses to prove it, into chancery, or the county sessions; and there to make a declaration renouncing transubstantiation in full and positive words. Great pains was taken by the court to divert this. They proposed that some regard might be had to protestant dissenters, and that their meetings might be allowed. By this means they hoped to have set them and the church party into new heats; for now all were united against popery. Love, who served for the city of London, and was himself a dissenter, saw what ill effects any such quarrels might have: so he moved, that an effectual security might be found against popery, and that nothing might interpose till that was done. When that was

The prudence of the dissenters,

over, then they would try to deserve some favour: 1673.
but at present they were willing to lie under the severity of the laws, rather than clog a more necessary work with their concerns. The chief friends of the 348
sects agreed to this. So a vote passed to bring in a bill in favour of protestant dissenters, though there was not time enough, nor unanimity enough, to finish one this session: for it went no farther than a second reading, but was dropt in the committee. But this prudent behaviour of theirs did so soften the church party, that there was no more votes nor bills offered at against them, even in that angry parliament, that had been formerly so severe upon them.

Debates in the house of lords.

The court was now in great perplexity. If they gave way to proceedings in the house of commons, there was a full stop put to the design for popery: and if they gave not way to it, there was an end of the war. The French could not furnish us with so much money as was necessary: and the shutting up the exchequer had put an end to all credit. The court tried what could be done in the house of lords. Lord Clifford resolved to assert the declaration with all the force and all the arguments he could bring for it. He shewed the heads he intended to speak on to the king, who approved of them, and suggested some other hints to him. He began the debate with rough words: he called the vote of the commons *monstrum horrendum ingens*, and run on in a very high strain. He said all that could be said, with great heat, and many indecent expressions. When he had done, the earl of Shaftsbury, to the amazement of the whole house, said, he must differ from the lord that spoke last *toto cœlo*. He

1673. said, while those matters were debated out of doors, he might think with others, that the supremacy, asserted as it was by law, did warrant the declaration: but now that such a house of commons, so loyal and affectionate to the king, were of another mind, he submitted his reasons to theirs: they were the king's great council: they must both advise and support him: they had done it; and would do it still, if their laws and their religion were once secure to them. The king was all in fury to be thus forsaken by his chancellor: and told lord Clifford, how well he was pleased with his speech, and how highly he was offended with the other. The debate went on, and upon a division the court had the majority. But against that vote about thirty of the most considerable of the house protested. So the court saw they had gained nothing in carrying a vote, that drew after it such a protestation [c].

This matter took soon after that a quick turn. It had been much debated in the cabinet, what the king should do. Lord Clifford and duke Lauderdale were for the king's standing his ground. Sir Ellis Leightoun assured me, that the duke of Buckingham and lord Berkeley offered to the king, if he would bring the army to town, that they would take
349 out of both houses the members that made the opposition. He fancied, the thing might have been

[c] (There is no notice in the Journals of the House of Lords of any protest having been entered against a decision of that house respecting the king's declaration for liberty of conscience. Neither does Chandler in his History and Proceedings of the House of Lords state, that there was any division or protest on this occasion. This information was obligingly communicated by the reverend Mr. Bandinel, head keeper of the Bodleian library.)

easily brought about, and that, if the king would have acted with the spirit that he sometimes put on, they might have carried their business. Duke Lauderdale talked of bringing an army out of Scotland, and seizing on Newcastle; and pressed this with as much vehemence, as if he had been able to have executed it. Lord Clifford said to the king, his people did now see through all his designs: and therefore he must resolve to make himself master at once, or be for ever subject to much jealousy and contempt. The earls of Shaftsbury and Arlington pressed the king, on the other hand, to give the parliament full content: and they undertook to procure him money for carrying on the war: and, if he was successful in that, he might easily recover what he must in this extremity part with. This suited the king's own temper. Yet the duke held him in suspence. 1673. The variety of opinions in the king's council.

Colbert's brother, Croissy, was then the French ambassador here. Lord Arlington possessed him with such an apprehension of the madness of violent counsels, and that the least of the ill effects they might have would be the leaving the war wholly on the French king, and that it would be impossible to carry it on, if the king should run to such extremities, as some were driving him to at home; that he gained him both to press the king and his brother to comply with the parliament, and to send an express to his own master, representing the whole matter in the light in which lord Arlington had set it before him. The French advise the king to yield to the parliament.

In the afternoon of the day in which the matter had been argued in the house of lords, the earls of Shaftsbury and Arlington got all those members of the house of commons on whom they had any influ-

1673. ence, (and who had money from the king, and were his spies, but had leave to vote with the party against the court, for procuring them the more credit,) to go privately to him, and to tell him that upon lord Clifford's speech the house was in such fury, that probably they would have gone to some high votes and impeachments: but the lord Shaftsbury speaking on the other side restrained them: they believed he spoke the king's sense, as the other did the duke's; this calmed them. So they made the king apprehend, that the lord chancellor's speech, with which he had been so much offended, was really a great service done him: and they persuaded him farther, that he might now save himself, and obtain an indemnity for his ministers, if he would part with the declaration, and pass the bill. This was so dexterously managed by lord Arlington, who got a great number of the members to go one after another to the king, who by concert spoke all the same language, that before night the king was quite changed, and said to his brother, that lord Clifford had undone himself, and had spoiled their business by his mad speech; and that, though lord Shaftsbury had spoke like a rogue, yet that had stopt a fury which the indiscretion of the other had kindled to such a degree, that he could serve him no longer. He gave him leave to let him know all this. The duke was struck with this; and imputed it wholly to lord Arlington's management. In the evening he told lord Clifford what the king had said. The lord Clifford, who was naturally a vehement man, went upon that to the king, who scarce knew how to look him in the face. Lord Clifford said, he knew how many enemies he must needs

The king went into that suddenly.

make to himself by his speech in the house of lords: 1673.
but he hoped that in it he both served and pleased the king, and was therefore the less concerned in every thing else: but he was surprised to find by the duke, that the king was now of another mind. The king was in some confusion: he owned, that all he had said was right in it self: but he said, that he, who sat long in the house of commons, should have considered better what they could bear, and what the necessity of his affairs required. Lord Clifford in his first heat was inclined to have laid down his white staff, and to have expostulated roundly with the king. But a cooler thought stopped him. He reckoned he must now retire: and therefore he had a mind to take some care of his family in the way of doing it: so he restrained himself; and said, he was sorry that his best meant services were so ill understood. Soon after this, letters came from the French king, pressing the king to do all that was necessary to procure money of his parliament, since he could not bear the charge of the war alone. He also writ to the duke, and excused the advice he gave upon the necessity of affairs; but promised faithfully to espouse his concerns, as soon as he got out of the war, and that he would never be easy, till he recovered that which he was now forced to let go. Some parts of these transactions I had from the duke and from duke Lauderdale: the rest, that related to the lord Clifford, Titus told me, he had from his own mouth.

Clifford disgraced.

As soon as lord Clifford saw he must lose the white staff, he went to the duke of Buckingham, who had contributed much to the procuring it to him; and told him, he brought him the first notice

1673. that he was to lose that place to which he had helped him, and that he would assist him to procure it to some of his friends. After they had talked round all that were in any sort capable of it, and had found great objections to every one of them, they at last pitched on sir Thomas Osborn, a gentleman of Yorkshire, whose estate was much sunk. He was a very plausible speaker, but too copious, and could not easily make an end of his discourse[d]. He had been always among the high cavaliers: and missing preferment, he had opposed the court much[e], and was one of lord Clarendon's bitterest enemies. He gave himself great liberties in discourse, and did not seem to have any regard to truth, or so much as to the appearances of it; and was an implacable enemy: but he had a peculiar way to make his friends depend on him, and to believe he was true to them. He was a positive and undertaking man: so he gave the king great ease, by assuring him all things would go according to his mind in the next session of parliament. And when his hopes failed him, he had always some excuse ready to put the miscarriage upon. And by this means he got into the highest degree of confidence with the king, and maintained it the longest of all that ever served him.

Osborn made lord treasurer.

351

A great supply was given.

The king now went into new measures. He called for the declaration, and ordered the seal put

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

[e] He had been with the court now for some time, and was treasurer of the navy. O.

to it to be broken. So the act for the taking the sacrament, and the test against transubstantiation, went on: and together with it an act of grace passed, which was desired chiefly to cover the ministry, who were all very obnoxious by their late actings. The court desired at least 1,200,000*l.*; for that sum was necessary to the carrying on the war. The great body of those who opposed the court had resolved to give only 600,000*l.* which was enough to procure a peace, but not to continue the war. Garroway and Lee had led the opposition to the court all this session in the house of commons: so they were thought the properest to name the sum. Above eighty of the chief of the party had met over night, and had agreed to name 600,000*l.* But Garroway named 1,200,000*l.* and was seconded in it by Lee. So this surprise gained that great sum, which enabled the court to carry on the war. When their party reproached these persons for it, they said, they had tried some of the court as to the sum intended to be named, who had assured them, the whole agreement would be broke, if they offered so small a sum: and this made them venture on the double of it. They had good rewards from the court: and yet they continued still voting on the other side. They said, they had got good pennyworths for their money: a sure law against popery, which had clauses in it never used before; for all that continued in office after the time lapsed, they not taking the sacrament, and not renouncing transubstantiation, (which came to be called the test, and the act from it the test act,) were rendered incapable of holding any office: all the acts they did in it were declared in- 1673.

1673. valid and illegal, besides a fine of five hundred pounds to the discoverer. Yet upon that lord Cavendish, now duke of Devonshire, said, that when much money was given to buy a law against popery, the force of the money would be stronger in
352 order to the bringing it in, than the law could be for keeping it out. I never knew a thing of this nature carried so suddenly and so artificially in the house of commons, as this was, to the great amazement of the Dutch, who relied on the parliament, and did not doubt but that a peace with England would be procured by their interposition.

The duke laid down all his commissions.

Thus this memorable session ended. It was indeed much the best session of that long parliament. The church party shewed a noble zeal for their religion: and the dissenters got great reputation by their silent deportment. After the session was over, the duke carried all his commissions to the king, and wept as he delivered them up: but the king shewed no concern at all. Yet he put the admiralty in a commission composed wholly of the duke's creatures: so that the power of the navy was still in his hands. Lord Clifford left the treasury, and was succeeded by Osborn, who was soon after made earl of Danby. The earl of Shaftsbury had lost the king's favour quite. But it was not thought fit to lay him aside, till it should appear what service he could do them in another session of parliament. Lord Arlington had lost the duke more than any other. He looked on him as a pitiful coward, who would forsake and betray any thing, rather than run any danger himself. Prince Rupert was sent to command the fleet. But the captains were the duke's creatures: so they crossed him all they

could, and complained of every thing he did. In a word, they said he had neither sense nor conduct left. Little could be expected from a fleet so commanded and so divided. He had two or three engagements with the Dutch, that were well fought on both sides, but were of no great consequence, and were drawn battles. None of the French ships engaged, except one, who charged their admiral for his ill conduct: but, instead of reward, he was clapt in the Bastille upon his return to France. This opened the eyes and mouths of the whole nation. All men cried out, and said, we were engaged in a war by the French, that they might have the pleasure to see the Dutch and us destroy one another, while they knew our seas and ports, and learned all our methods, but took care to preserve themselves. Count Schomberg told me, he pressed the French ambassador to have the matter examined. Otherwise, if satisfaction was not given to the nation, he was sure the next parliament would break the alliance. But by the ambassador's coldness he saw the French admiral had acted according to his instructions. So Schomberg made haste to get out of England, to prevent an address to send him away: and he was by that time as weary of the court, as the court was of him [e]. 1673.

The duke was now looking for another wife. He made addresses to the lady Bellasis, the widow of the lord Bellasis's son. She was a zealous protestant, though she was married into a popish family. The duke treats for a second marriage. 353

[e] The king put him in expectation of a garter; but (by the intrigues of the ladies) had given it to the earl of Mulgrave, a man little esteemed at that time; which aggravated the affront, as he thought. D.

1673. She was a woman of much life and great vivacity, but of a very small proportion of beauty; as the duke was often observed to be led by his amours to objects that had no extraordinary charms. Lady Bellasis gained so much on the duke, that he gave her a promise under his hand to marry her. And he sent Coleman to her to draw her over to popery: but in that she could not be moved. When some of her friends reproached her for admitting the duke so freely to see her, she could not bear it, but said, she could shew that his addresses to her were honourable. When this came to the lord Bellasis's ears, who was her father-in-law, and was a zealous papist, and knew how intractable the lady was in those matters, he gave the whole design of bringing in their religion for gone, if that was not quickly broke: so he, pretending a zeal for the king and the duke's honour, went and told the king all he had heard. The king sent for the duke, and told him, it was too much that he had played the fool once: that was not to be done a second time, and at such an age. The lady was also so threatened, that she gave up the promise, but kept an attested copy of it, as she herself told me. There was an archduchess of Inspruck, to whom marriage was solemnly proposed: but the empress happening to die at that time, the emperor himself married her. After that a match was proposed to the duke of Modena's daughter, which took effect. But because those at Rome were not willing to consent to it, unless she might have a public chapel, which the court would not hearken to, another marriage was proposed for a daughter of the duke of Crequi's. I saw a long letter of the duke's writ to sir William

Lockhart upon this subject with great anxiety. He apprehended, if he was not married before the session of parliament, that they would fall on that matter, and limit him so, that he should never be able to marry to his content: he was vexed at the stiffness of the court of Rome, who were demanding terms that could not be granted: he had sent a positive order to the earl of Peterborough, who was negotiating the business at Modena, to come away by such a day, if all was not consented to: in the mean while he hoped, the king of France would not put that mortification on him, as to expose him to the violence of the parliament, (I use his own words;) but that he would give order for despatching that matter with all possible haste. But, while he was thus perplexed, the court of Rome yielded: and so the duke married that lady by proxy: and the earl of Peterborough brought her over through France. 1673.

A treaty opened at Cologn.

The Swedes offered at this time a mediation in order to a peace: and Cologn was proposed to be the place of treaty. The king ordered the earl of Sunderland, sir Leolin Jenkins, and sir Joseph Williamson thither, to be his plenipotentiaries. Lord Sunderland was a man of a clear and ready apprehension, and a quick decision in business. He had too much heat both of imagination and passion, and was apt to speak very freely both of persons and things[f]. His own notions were always good: but

Lord Sunderland's character.

[f] He was remarkable for never speaking in public, nor at the cabinet, more than he was of such a lord's opinion, or he wondered how any body could be of that opinion. When he was secretary, Mr. Bridgman always attended to take the minutes for him, and whilst he was president, the lord chancellor always acted for him at the council. Mr. War, who

1673. he was a man of great expense. And, in order to the supporting himself, he went into the prevailing counsels at court: and he changed sides often, with little regard either to religion or the interest of his country. He raised many enemies to himself by the contempt with which he treated those who differed from him. He had indeed the superior genius to all the men of business that I have yet known. And he had the dexterity of insinuating himself so entirely into the greatest degree of confidence with three succeeding princes, who set up on very different interests, that he came by this to lose himself so much, that even those who esteemed his parts, depended little on his firmness.

The treaty broke off.

The treaty of Cologn was of a short continuance: for the emperor, looking on Furstenberg, the dean of Cologn, and bishop of Strasbourg, afterwards advanced to be cardinal, who was the elector's plenipotentiary at that treaty, as a subject of the empire, who had betrayed it, ordered him to be seized on. The French looked on this as such a violation of the passports, that they set it up for a preliminary, before they would enter upon a treaty, to have him set at liberty.

Maestricht was taken this summer; in which the duke of Monmouth distinguished himself so eminently, that he was much considered upon it. The king of France was there; [but it was thought he took much more care of his person than became a great prince. After the taking of Maestricht he

was one of his commis, told me, he never came to the secretary's office, but they carried the papers to him at his house, where he was usually at cards, and he would sign them without reading, and seldom asked what they were about. D.

went to Nancy in Lorraine, and left the prince of Condé with the army in Flanders, Turenne having the command of that on the Upper Rhine against the Germans; for the emperor and the whole empire were now engaged. 1673.

But I return now to the intrigues of our court. I came up this summer, in order to the publishing the Memoirs of the Dukes of Hamilton. I had left Scotland under an universal discontent. The whole administration there was both violent and corrupt, and seemed to be formed on a French model. The parliament had in the year 1663, in order to the bringing our trade to a balance with England, given the king in trust a power to lay impositions on foreign commodities. So upon that a great duty was lately laid upon French salt, in order to the better vending the salt made at home: upon which it was sold very dear. And that raised great complaints: for, as the salt was excessive dear, so it did not serve all purposes. All people looked on this as the beginning of a gabel. An imposition was also laid on tobacco: and all brandy was prohibited to be imported, but not to be retailed: so those who had the grant of the seizures sold them, and raised the price very much. These occasioned monopolies: and the price of those things that were of great consumption among the commons was much raised: so that a trust lodged with the crown was now abused in the highest degree. As these things provoked the body of the people, so duke Lauderdale's insolence, and his engrossing every thing to himself, and to a few of his friends, and his wife and his brother setting all things to sale, raised a very high discontent all over the nation. The affairs of the church were al- The affairs of Scotland. 355

1673. together neglected: so that in all respects we were quite out of joint.

I went up with a full resolution to do my country all the service I could, and to deal very plainly with the duke of Lauderdale, resolving, if I could do no good, to retire from all affairs, and to meddle no more in public business. I lost indeed my best friend at court. Sir Robert Murray died suddenly at that time. He was the wisest and worthiest man of the age, and was as another father to me. I was sensible how much I lost in so critical a conjuncture, being bereft of the truest and faithfullest friend I had ever known: and so I saw I was in danger of committing great errors for want of so kind a monitor.

Lauderdale's design.

At my coming to court, duke Lauderdale took me into his closet, and asked me the state of Scotland. I upon that gave him a very punctual and true account of it. He seemed to think that I aggravated matters; and asked me, if the king should need an army from Scotland to tame those in England, whether that might be depended on? I told him, certainly not: the commons in the southern parts were all presbyterians: and the nobility thought they had been ill used, and were generally discontented, and only waited for an occasion to shew it. He said, he was of another mind: the hope of the spoil of England would fetch them all in. I answered, the king was ruined, if ever he trusted to that: and I added, that with relation to other more indifferent persons, who might be otherwise ready enough to push their fortunes without any anxious inquiries into the grounds they went on, yet even these would not trust the king, since he had so lately

said, he would stick to his declaration, and yet had so soon after given it up. He said, *Hinc illæ lacrymæ:* but the king was forsaken in that matter, for none stuck to him but lord Clifford and himself: and then he set himself into a fit of railing at lord Shaftsbury. I was struck with this conversation; and by it I clearly saw into the desperate designs of the court, which were as foolish as they were wicked: for I knew, that upon the least disorder in England they were ready in Scotland to have broke out into a rebellion: so far were they from any inclination to have assisted the king in the mastering of England. I was much perplexed in my self what I ought to do, whether I ought not to have tried to give the king a truer view of our affairs: but I resolved to stay for a fit opportunity. I tried the duchess of Lauderdale, and set before her the injustice and oppression that Scotland was groaning under: but I saw she got too much by it to be any way concerned at it[g]. They talked of going down to hold a session of parliament in Scotland: I warned them of their danger. But they despised all I could say: only great offers were made to my self, to make me wholly theirs, which made no impression on me. 1673. 356

He carried me to the king, and proposed the licensing my Memoirs to him. The king bid me bring them to him; and said, he would read them himself. He did read some parts of them, particu- The king liked my Memoirs.

g ("The only apprehension "was of my lord Lauderdale's "being influenced by his lady "to oppose it, (*viz.* holding a "parliament in Scotland in "1681,) for fear lest a parlia- "ment should look a little "more narrowly into certain "methods she had lately found "out of getting money for her- "self." *Life of King James II. lately published by Dr. Clarke, from the Stuart papers*, vol. i. pag. 683.)

1673. larly the account I gave of the ill conduct of the bishops, that occasioned the beginning of the wars: and told me, that he was well pleased with it. He was at that time so much offended with the English bishops for opposing the toleration, that he seemed much sharpened against them. He gave me back my book to carry it to secretary Coventry, in order to the licensing it. The secretary said, he would read it all himself: so this obliged me to a longer stay than I intended. Sir Ellis Leightoun carried me to the duke of Buckingham, with whom I passed almost a whole night; and happened so far to please him, that he, who was apt to be fired with a new acquaintance, gave such a character of me to the king, that ever after that he took much notice of me, and said, he would hear me preach. He seemed well pleased with my sermon; and spoke of it in a strain that drew much envy on me.

And shewed me great favour.

He ordered me to be sworn a chaplain, and admitted me to a long private audience, that lasted above an hour, in which I took all the freedom with him that I thought became my profession. He run me into a long discourse about the authority of the church, which he thought we made much of in our disputes with the dissenters, and then took it all away when we dealt with the papists. I saw plainly what he aimed at in this: and I quickly convinced him, that there was a great difference between an authority of government in things indifferent, and a pretence to infallibility. He complained heavily of the bishops for neglecting the true concerns of the church, and following courts so much, and being so engaged in parties. I went through some other

things with relation to his course of life, and entered into many particulars with much freedom. He bore it all very well; and thanked me for it: some things he freely condemned, such as living with another man's wife: other things he excused, and thought God would not damn a man for a little irregular pleasure. He seemed to take all I had said very kindly: and during my stay at court he used me in so particular a manner, that I was considered as a man growing into a high degree of favour. 1673. 357

My conversation with the duke.

At the same time lord Ancram, a Scotish earl, but of a small fortune, and of no principles, either as to religion or virtue, whose wife was a papist, and himself a member of the house of commons, told the duke that I had a great interest in Scotland, and might do him service in that kingdom. He depended on duke Lauderdale; but hated him, because he did nothing for him. We were acquainted there: and, he having studied the most divinity of any man of quality I ever knew, we found many subjects of discourse. He saw I did not flatter duke Lauderdale; and he fancied he might make a tool of me. So he seemed to wonder that I had not been carried to wait on the duke; and brought me a message from him, that he would be glad to see me: and upon that he carried me to him. The duke received me very graciously. Lord Ancram had a mind to engage me to give him an account of the affairs of Scotland; but I avoided that, and very bluntly entered into much discourse with him about matters of religion. He said some of the common things, of the necessity of having but one church, otherwise we saw what swarms of sects did rise up on our revolt from Rome, and these had raised many rebellions, and the shedding much blood: and

1673. he named both his father's death and his great grandmother's, Mary queen of Scots: he also turned to some passages in Heylin's History of the Reformation, which he had lying by him: and the passages were marked, to shew upon what motives and principles men were led into the changes that were then made. I enlarged upon all these particulars; and shewed him the progress that ignorance and superstition had made in many dark ages, and how much bloodshed was occasioned by the papal pretensions, for all which the opinion of infallibility was a source never to be exhausted. And I spoke long to such things as were best suited to his temper and his capacity. I saw lord Ancram helped him all he could, by which I perceived how he made his court; for which when I reproached him afterwards, he said, it was ill breeding in me to press so hard on a prince. The duke upon this conversation expressed such a liking to me, that he ordered me to come oft to him: and afterwards he allowed me to come to him in a private way, as oft as I pleased. He desired to know the state of affairs in Scotland. I told him how little that kingdom could be depended on. [I saw he was firm to duke Lauderdale: therefore I laid the fault on others, and excused him the
358 best I could. But] I turned the discourse often to matters of religion. He broke it very gently; for he was not at all rough in private conversation. He wished I would let those matters alone: I might be too hard for him, and silence him, but I could never convince him[h]. I told him, it was

[h] In one of the duke's letters, (to the first lord Dartmouth,) he writes, "Pray, once for all, "never say any thing to me "again of turning protestant; "do not expect it, or flatter "yourself I shall ever be it. I "never shall, and if occasion

a thing he could never answer to God nor the world, that, being born and baptized in our church, and having his father's last orders to continue steadfast in it, he had suffered himself to be seduced, and as it were stolen out of it, hearing only one side, without offering his scruples to our divines, or hearing what they had to say in answer to them; and that he was now so fixed in his popery, that he would not so much as examine the matter. He said to me, he had often picqueered out (that was his word) on Sheldon, and some other bishops; by whose answers he could not but conclude, that they were much nearer the church of Rome, than some of us young men were. 1673.

Stillingfleet had a little before this time published a book of the idolatry and fanaticism of the church of Rome. Upon that the duke said, he asked Sheldon, if it was the doctrine of the church of England, that Roman catholics were idolaters: who answered him, it was not; but that young men of parts would be popular; and such a charge was the way to it. He at that time shewed me the duchess's paper, that has been since printed: it was all writ with her own hand. He gave me leave to read it twice over: but would not suffer me to copy it. And upon the mention made in it of her having spoke to the bishops concerning some of her scruples, and that she had such answers from them, as confirmed and heightened them, I went from him to Morley, as was said

" were, I hope God would give " me his grace to suffer death " for the true catholic religion " as banishment. What I have " done was not hastily, but " upon mature consideration, " and foreseeing all and worse " than has yet happened to " me." D.

1673. formerly, and had from him the answer there set down[i]. I asked the duke's leave to bring doctor Stillingfleet to him. He was averse to it; and said, it would make much noise, and could do no good. I told him, even the noise would have a good effect: it would shew he was not so obstinate, but that he was willing to hear our divines. I pressed it much; for it became necessary to me, on my own account, to clear my self from the suspicion of popery, which this extraordinary favour had drawn upon me. I at last prevailed with the duke to consent to it: and he assigned an hour of audience. Stillingfleet went very readily, though he had no hopes of success. We were about two hours with him, and went over most of the points of controversy. Stillingfleet thought, the point that would go the easiest, and be the best understood by him, was the papal pretensions to a power over princes, in deposing them, and giving their dominions to others[k]: and upon that, he shewed him, that popery was calculated to make the pope the sovereign of all christendom. The
359 duke shifted the discourse from one point to another; and did not seem to believe the matters of fact, and history alleged by us. So we desired, he would call for some priests, and hear us discourse of those matters with them in his presence. He declined this; and said, it would make a noise. He assured us, he desired nothing, but to follow his own conscience, which he imposed on no body else, and

I carried doctor Stillingfleet to him.

[i] (Page 309.)

[k] The kingdom of Navare has been held by the crown of Spain, ever since the year 1512, by no other title than pope Julius the second's excommunication of king John, for being in confederacy with Lewis the XIIth of France, upon which Ferdinand the catholic took possession. D.

that he would never attempt to alter the established religion. He loved to repeat this often. But when I was alone with him, I warned him of the great difficulties his religion was like to cast him into. This was no good argument to make him change: but it was certainly a very good argument to make him consider the matter so well, that he might be sure he was in the right. He objected to me the doctrine of the church of England in the point of submission, and of passive obedience. I told him, there was no trusting to a disputable opinion: there were also distinctions and reserves, even in those who had asserted these points the most: and it was very certain, that when men saw a visible danger of being first undone, and then burnt, they would be inclined to the shortest way of arguing, and to save themselves the best way they could: interest and self-preservation were powerful motives. He did very often assure me, he was against all violent methods, and all persecution for conscience sake, and was better furnished to speak well on that head, than on any other. I told him, all he could say that way would do him little service: for the words of princes were looked on as arts to lay men asleep: and they had generally regarded them so little themselves, that they ought not to expect that others should have great regard to them. I added, he was now of a religion, in which others had the keeping of his conscience, who would now hide from him this point of their religion, since it was not safe to own it, till they had it in their power to put it in practice: and whenever that time should come, I was sure, that the principles of their church must carry him to all the ex- 1673.

1673. tremities of extirpation. I carried a volume of judge Crook's to him, in which it is reported, that king James had once in council complained of a slander cast on him, as if he was inclined to change his religion; and had solemnly vindicated himself from the imputation; and prayed, that if any should ever spring out of his loins that should maintain any other religion than that which he truly maintained and professed, that God would take him out of the world. He read it: but it made no impression. And when I urged him with some things in his father's book, he gave me the account of it that was formerly mentioned[1]. He entered into great freedom with me about all his affairs: and he shewed me the journals he took of business every day with his own hand: a method, he said, that the earl of Clarendon had set him on. The duchess had begun to write his life. He shewed me a part of it in a thin volume in folio. I read some of it, and found it writ with a great deal of spirit. He told me, he intended to trust me with his journals, that I might draw a history out of them. And thus, in a few weeks' time, I had got far into his confidence. He did also allow me to speak to him of the irregularities of his life, some of which he very freely confessed: and when I urged him, how such a course of life did agree with the zeal he shewed in his religion; he answered, Must a man be of no religion, unless he is a saint? Yet he bore my freedom very gently, and seemed to like me the better for it. My favour with him grew to be the observation of the whole court. Lord Ancram said, I might be what

[1] (Page 51.)

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

1673.

1673. in parliament, were rebels in their hearts; and he hated all popular things, as below the dignity of a king. He was much sharpened at that time by the proceedings of the house of commons.

The duke's marriage opposed by the commons.

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

361

[i] He went first to see a daughter of the duke of Newbourg, (who was afterwards married to the emperor Leopold,) but that dropt upon a ridiculous description he sent of her person, which concluded, that there was nothing white about her but her eyes. D.

her religion. Upon this the duke moved the king 1673.
to prorogue the parliament for a week: and a commission was ordered for it. The duke went to the house on that day, to press the calling up the commons before they could have time to go on to business. Some peers were to be brought in. The duke pressed lord Shaftsbury to put that off, and to prorogue the parliament. He said coldly to him, there was no haste. But the commons made more haste: for they quickly came to a vote for stopping the marriage. And by this means they were engaged (having put such an affront on the duke) to proceed farther. He presently told me how the matter went, and how the lord chancellor had used him: he was confident the king would take the seals from him, if he could not manage the sessions so as to procure him money, of which there was indeed small appearance. I told him, I looked on that as a fatal thing, if the commons began once to affront him: that would have a sad train of consequences, as soon as they thought it necessary for their own preservation to secure themselves from falling under his revenges. He said, he was resolved to stand his ground, and to submit to the king in every thing: he would never take off an enemy: but he would let all the world see, that he was ready to forgive every one, that should come off from his opposition, and make applications to him. When the week of the prorogation was ended, the session was opened by a speech of the king's, which had such various strains in it, that it was plain it was made by different persons. The duke told me, that lord Clarendon, dur- 362
ing his favour, had penned all the king's speeches; but that now they were composed in the cabinet,

1673. one minister putting in one period, while another made another; so that all was not of a piece. He told me, lord Arlington was almost dead with fear: but lord Shaftsbury reckoned himself gone at court, and acted more roundly. In his speech he studied to correct his *Delenda est Carthago*, applying it to the Loevestein party, whom he called the Carthaginians: but this made him as ridiculous, as the other had made him odious[k]. The house of commons took up again the matter of the duke's marriage, and moved for an address about it. But it was said, the king's honour was engaged. Yet they addressed to him against it. But the king made them no answer. By that time I had obtained a licence of secretary Coventry for my book, which the king said should be printed at his charge.

A parliament in Scotland.

But now I must give an account of a storm raised against my self, the effects of which were very sensible to me for many years. The duke of Lauderdale had kept the Scotish nation in such a dependance on himself, that he was not pleased with any of them that made any acquaintance in England, and least of all in the court: nor could he endure that any of them should apply themselves to the king or the duke, but through him. So he looked on the favour I had got into with a very jealous eye. His duchess questioned me about it. Those who know what court jealousies are will easily believe, that I must have said somewhat to satisfy them, or break with them. I told her, what was very true

[k] He always denied these to be his own words, and said they were proposed by some other persons of the king's council, and he obliged by order to put them into the speech he made to the parliament, in the former sessions. O.

as to the duke, that my conversation with him was about religion; and that with the king I had talked of the course of life he led. I observed a deep jealousy of me in them both; especially because I could not go with them to Scotland. I said, I would follow, as soon as the secretary would despatch me. And as soon as that was done I took post, and by a great fall of snow was stopped by the way. But I unhappily got to Edenburgh the night before the parliament met. Duke Hamilton, and many others, told me how strangely duke Lauderdale talked of my interest at court; as if I was ready to turn papist. Duke Hamilton also told me, they were resolved next day to attack duke Lauderdale, and his whole administration in parliament. I was troubled at this; and argued with him against the fitness of it all I could. But he said he was engaged: the earls of Rothes, Argile, and Tweedale, and all the cavalier party, had promised to stick by him. I told him, what afterwards happened, that most of these would make their own terms, and leave him in the lurch[1]: and the load would lie on him. When I saw the thing was past remedy, I resolved to go home, and follow my studies; since I could not keep duke Lauderdale and him any longer in a good understanding. 1673. 363

A party formed against Lauderdale.

Next day, when the parliament was opened, the king's letter was read, desiring their assistance in carrying on the war with Holland, and assuring them of his affection to them in very kind words. This was seconded by duke Lauderdale in a long speech. And immediately it was moved to appoint

[1] True sublime. S.

1673. a committee to prepare an answer to the king's letter, as was usual. Duke Hamilton moved, that the state of the nation might be first considered, that so they might see what grievances they had: and he hinted at some. And then, as it had been laid, about twenty men, one after another, spoke to several particulars. Some mentioned the salt, others the tobacco and the brandy: some complained of the administration of justice, and others of the coin. With this the duke of Lauderdale was struck, as one dead; for he had raised his credit at court by the opinion of his having all Scotland in his hand, and in a dependance on him: so a discovery of this want of credit with us he saw must sink him there. He had not looked for this; though I had warned him of a great deal of it. But he reflecting on that, and on the credit I had got at court, and on the haste I made in my journey, and my coming critically the night before the session opened: he laid all this together, and fancied I was sent upon design, as the agent of the party, and that the licensing my book was only a blind: he believed sir Robert Murray had laid it, and that the earl of Shaftsbury had managed it. And because it was a common artifice of king Charles's ministers, to put the miscarriage of affairs upon some accident that had not been foreseen by them, but should be provided against for the future; he assured the king, that I had been the incendiary, that I had my uncle's temper in me, and that I must be subdued, otherwise I would embroil all his affairs. The king took all things of that kind easily from his ministers, without hearing any thing to the contrary: for he was wont to say, all apologies were lies: upon which one said to him

once, then he would always believe the first lie. 1673.
But all this was much increased, when duke Lauderdale upon his coming up told the king, that I had boasted to his wife of the freedom that I had used with him upon his course of life. With this the king was highly offended: or at least he made much use of it, to justify many hard things that he said of me: and for many years he allowed himself a very free scope in talking of me. I was certainly to blame for the freedom I had used with the duchess of Lauderdale: but I was surprised by her question: and I could not bring my self to tell a lie: so I had no other shift ready to satisfy her. But the duke [of York] kept up still a very good opinion of me. I went home to Glasgow, where I prosecuted 364
my studies till the June following, when I went again to London.

He offers to redress grievances in council.

Duke Lauderdale put off the session of parliament for some time; and called a council, in which he said, great complaints had been made in parliament of grievances: he had full authority to redress them all in the king's name: therefore he charged the privy counsellors to lay all things of that kind before that board, and not to carry them before any other assembly, till they saw what redress was to be had there. Duke Hamilton said, the regular way of complaints was to make them in parliament, which only could redress them effectually; since the putting them down by the authority of council was only laying them aside for a while, till a fitter opportunity was found to take them up again. Upon this, duke Lauderdale protested that he was ready in the king's name to give the subject ease and free-

1673. dom, and that those who would not assist and concur with him in this were wanting in duty and respect to the king; and since he saw the matter of the salt, the tobacco, and the brandy, had raised much clamour, he would quash these. But the party had a mind to have the instruments of their oppression punished, as well as the oppression it self removed; and were resolved to have these things condemned by some exemplary punishments, and to pursue duke Lauderdale and his party with this clamour.

1674. A dispute raised about the lords of the articles.

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

consideration which at this time had great weight with the king. I now return to give an account of this year's session in England. 1674.

In the beginning of it, the duke of Ormond, the earls of Shaftsbury and Arlington, and secretary Coventry, offered an advice to the king, for sending the duke for some time from the court, as a good expedient both for himself and the duke. The king hearkened so far to it, that he sent them to move it to the duke. He was highly incensed at it: he said, he would obey all the king's orders, but would look on those as his enemies who offered him such advices. And he never forgave this to any of them; no, not to Coventry, for all his good opinion of him. He pressed the king vehemently to take the seals from the earl of Shaftsbury. So it was done: and they were given to Finch, then attorney-general, made afterwards earl of Nottingham. He was a man of probity, and well versed in the laws: [but very ill bred, and both vain and haughty.] He was long much admired for his eloquence: but it was laboured and affected: and he saw it as much despised before he died. He had no sort of knowledge in foreign affairs: and yet he loved to talk of them perpetually: by which he exposed himself to those who understood them. He thought he was bound to justify the court in all debates in the house of lords, which he did with the vehemence of a pleader, rather than with the solemnity of a senator. He was an incorrupt judge: and in his court he could resist the strongest applications even from the king himself, though he did it no where else. He was too eloquent on the bench, in the house of lords, and [even] in common conversation [that eloquence

The proceedings in the parliament of England.

365

Finch's character.

1674. became in him ridiculous.] One thing deserves to be remembered of him: he took great care of filling the church livings that belonged to the seal with worthy men: and he obliged them all to residence [m]. Lord Shaftsbury was now at liberty to open himself against the court; which he did with as little reserve as decency.

The house of commons were resolved to fall on all the ministry. They began with duke Lauderdale, and voted an address to remove him from the king's councils and presence for ever. They went next upon the duke of Buckingham: and it being moved, in his name, that the house would hear him, he was suffered to come to the house. The first day of his being before them, he fell into such a disorder, that he pretended he was taken ill, and desired to be admitted again. Next day he was more composed. He justified his own designs, laying all the ill counsels upon others, chiefly on lord Arlington, intimating plainly that the root of all errors was in the king and the duke. He said, hunting was a good diversion, but if a man would hunt with a brace of lobsters, he would have but ill sport. He had used that figure to my self; but had then applied it to prince Rupert and lord Arlington: but it was now understood to go higher. His speech signified nothing towards the saving of himself: but it lost him the king's favour so entirely, that he never recovered it afterwards. Lord Arlington was next attacked: he appeared also before the commons, and
366 spoke much better than was expected: he excused himself, but without blaming the king: and this had

[m] (See a character of this great man by duke Wharton, in the True Briton, No. 69.)

so good an effect, that though he, as secretary of state, was more exposed than any other, by the many warrants and orders he had signed, yet he was acquitted, though by a small majority. But the care he took to preserve himself, and his success in it, lost him his high favour with the king, as the duke was out of measure offended at him: so he quitted his post, and was made lord chamberlain. 1674.

The house of commons was resolved to force the king to a peace with the Dutch. The court of France recalled Croissy, finding that the duke was offended at his being led by lord Arlington. Rouvigny was sent over: a man of great practice in business and in all intrigues. He was still a firm protestant, but in all other respects a very dexterous courtier, and one of the greatest statesmen in Europe. He had the appointments of an ambassador, but would not take the character, that he might not have a chapel, and mass said in it. Upon his coming over, as he himself told me, he found all the ministers of the allies were perpetually plying the members of the house of commons with their memorials. He knew he could gain nothing on them: so he never left the king. The king was in great perplexity: he would have done any thing, and parted with any persons, if that would have procured him money for carrying on the war. But he saw little appearance of that. He found he was indeed at the mercy of the States. So lord Arlington pressed the Spanish ministers to prevail with the States, and the prince of Orange, to get a proposition for a peace to be set on foot. And that it might have some shew of a peace both begged and bought, he proposed that a sum of money should be offered the king by

A peace concluded with the States.

1674. the States, which should be made over by him to the prince for the payment of the debt he owed him. Rouvigny pressed the king much to give his parliament all satisfaction in points of religion. The king answered him, if it was not for his brother's folly, (*la sottise de mon frère,*) he would get out of all his difficulties. Rouvigny drew a memorial for informing the house of commons of the modesty of his master's pretensions: for now the French king was sensible of his errors, in making such high demands as he had made at Utrecht; and was endeavouring to get out of the war on easier terms. The States committed a great error in desiring a peace with England, without desiring at the same time that the king should enter into the alliance, for reducing the French to the terms of the triple alliance. But the prince of Orange thought, that if he could once separate the king from his alliance with France, the other point would be soon brought about. And the States were much set on the having a peace with
367 England, hoping then both to be freed of the great trouble of securing the coast at a vast charge, and also by the advantage of their fleet to ruin the trade, and to insult the coast of France. The States did this winter confer a new and extraordinary dignity on the prince of Orange. They made him hereditary stadtholder. So that this was entailed on him and his issue male. He had in a year and a half's time changed the whole face of their affairs. He had not only taken Naerden, which made Amsterdam easy: but by a very bold undertaking he had gone up the Rhine to Bon, and had taken it in a very few days: and in it had cut off the supplies that the French sent down to their garrisons on the

Rhine and the Isel. So that the French finding they could not subsist longer there, were now resolved to evacuate all those places, and the three provinces of which they were possessed; which they did a few months after. An alliance was also made with the emperor. And by this means both the elector of Cologn and the bishop of Munster were brought to a peace with the States. The elector of Brandenburgh was likewise returning to the alliance with the States: for in the treaty, to which he was forced to submit, with Turenne for a truce of a year, he had put an article, reserving to himself a liberty to act in concurrence with the empire, according to such resolutions as should be taken in the diet. This change of the affairs of the States had got the prince of Orange the affections of the people to such a degree, that he could have obtained every thing of them that he would have desired: and even the loss of so important a place as Maestricht was not at all charged on him. So he brought the States to make applications to the king in the style of those who begged a peace, though it was visible they could have forced it. In conclusion, a project of a peace with England was formed, or rather the peace of Breda was writ over again, with the offer of 2 or 300,000*l.* for the expense of the war. And the king signed it at lord Arlington's office. 1674.

He came up immediately into the drawing-room; where seeing Rouvigny, he took him aside, and told him, he had been doing a thing that went more against his heart than the losing of his right hand: he had signed a peace with the Dutch, the project being brought him by the Spanish ambassador: he saw nothing could content the house of commons, or

1674. draw money from them; and lord Arlington had pressed him so hard, that he had stood out till he was weary of his life: he saw it was impossible for him to carry on the war without supplies, of which it was plain he could have no hopes. Rouvigny told him, what was done could not be helped: but he would let him see how faithfully he would serve him on this occasion: he did not doubt but his master would submit all his pretensions to him, and make him the arbiter and mediator of the peace.

The king became the mediator of the peace.

368 This the king received with great joy; and said, it would be the most acceptable service that could be done him. The French resolved upon this to accept of the king's mediation. And so the king got out of the war, very little to his honour, having both engaged in it upon unjust grounds, and managed it all along with ill conduct and bad success: and now he got out of it in so poor and so dishonourable a manner, that with it he lost his credit both at home and abroad. Yet he felt little of all this. He and his brother were now at their ease. Upon this, the parliament was quickly prorogued: and the court delivered itself up again to its ordinary course of sloth and luxury. But lord Arlington, who had brought all this about, was so entirely lost by it, that though he knew too much of the secret to be ill used[n], yet he could never recover the ground he had lost.

The duchess's character.

The duchess of York came over that winter. She was then very young, about sixteen, but of a full growth. She was a graceful person, with a good measure of beauty, and so much wit and cunning,

[n] He was in that of the king's conversion to popery. O.

that during all this reign she behaved herself in so obliging a manner, and seemed so innocent and good, that she gained upon all that came near her, and possessed them with such impressions of her, that it was long before her behaviour after she was a queen could make them change their thoughts of her. So artificially did this young Italian behave herself, that she deceived even the eldest and most jealous persons, both in the court and country. Only sometimes a satirical temper broke out too much, which was imputed to youth and wit not enough practised to the world. She avoided the appearances of a zealot, or a meddler in business; and gave herself up to innocent cheerfulness; and was universally esteemed and beloved as long as she was duchess. 1674.

Coleman's character.

She had one put about her to be her secretary, Coleman; who became so active in the affairs of the party, and ended his life so unfortunately, that since I had much conversation with him, his circumstances may deserve that his character should be given, though his person did not. I was told he was a clergyman's son: but he was early catched by the Jesuits, and bred many years among them. He understood the art of managing controversies, chiefly that great one of the authority of the church, better than any of their priests. He was a bold man, resolved to raise himself, which he did by dedicating himself wholly to the Jesuits: and so he was raised by them. He had a great easiness in writing in several languages; and writ many long letters, and was the chief correspondent the party had in England. He lived at a vast expense. And talked in so positive a manner, that it looked like

1674. one who knew he was well supported. I soon saw into his temper; and I warned the duke of it[o]: for I looked on him, as a man much liker to spoil busi-
369 ness, than to carry it on dexterously. He got into the confidence of P. Ferrier the king of France's confessor; and tried to get into the same pitch of confidence with P. de la Chaise, who succeeded him in that post. He went about every where, even to the jails among the criminals, to make proselytes. He dealt much both in the giving and taking of bribes. But now the affairs of England were calmed, I look again to Scotland, which was yet in a storm.

The affairs of Scotland.

The king writ to duke Hamilton to come up. And when he and lord Tweedale arrived, they were so well received, that they hoped to carry their point. But the king's design in this was, that, if he could have brought the house of commons to have given money, he was resolved to have parted with duke Lauderdale, and have employed them. And his kind usage of them was on design to persuade the commons to use himself better, by shewing that he was ready to comply with them. He gave them so good a hearing, that they thought they had fully convinced him: and he blamed them only for not complaining to himself of those grievances. But, as soon as he saw it was to no purpose to look for money from the house of commons, and had signed the peace, he sent them down with full assurances that all things should be left to the judgment of the parliament. They came down through the greatest fall of snow that has been in all my life-time. When they got home, instead of a ses-

The parliament was prorogued.

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

sion, there was an order for a prorogation; which gave such an universal discontent, that many offered at very extravagant propositions, for destroying duke Lauderdale and all his party. Duke Hamilton, who told me this some years after, when an act of grace was published, was neither so bad nor so bold as to hearken to these. The king writ him a cajoling letter, desiring him to come up once more, and to refer all matters to him: and he assured him, he would make up all differences. 1674.

In the mean while duke Lauderdale took all possible methods to become more popular. He connived at the insolence of the presbyterians, who took possession of one of the vacant churches of Edenburgh, and preached in it for some months. The earl of Argile and sir James Dalrimple were the men on whom the presbyterians depended most. Duke Lauderdale returned to his old kindness with the former: and lord Argile was very ready to forget his late unkindness. So matters were made up between them. Dalrimple was the president of the session, a man of great temper, and of a very mild deportment, but [a false and cunning man [p], and a great perverter of justice: in which he had a particular dexterity of giving some plausible colours to the greatest injustice. This family has risen the fastest, and yet has had the greatest misfortunes of any in Scotland. His eldest son, the viscount of Stairs, rode over a child, and dashed out his brains; and he had two sons, who, in their play, found and charged a pistol, with which the one shot the other dead. Another of the president's sons, being in a

Dalrimple's character.

[p] (The printed copy had, instead of this long passage, *a cunning man, He was*, &c.)

1674. fever, snatched at somewhat that lay by him, and swallowed it down, which proved to be cantharides, intended for a viscatory plaister; with which he was ulcerated all within, and died in extreme misery: another of his sons, in a fit, fell into the fire, which burnt out half his face. His daughters have had extraordinary fits, in which they have jumped over high walls: and one of them died in an odd manner. These things occasioned much censure and many strange discourses. This man] was now taken into the chief confidence. He told the presbyterians, if they would now support duke Lauderdale, this would remove the prejudice the king had against them, as enemies to his service. This wrought on many of them. What influence soever this might have on the presbyterians, the strange conduct with relation to them provoked the clergy out of measure. Some hot men, that were not preferred as they thought they deserved, grew very mutinous, and complained that things were let fall into much confusion. And they raised a grievous outcry for the want of a national synod to regulate our worship and government: and so moved in the diocesan synods, that a petition should be offered to the privy council, setting forth the necessity of having a national synod. I liked no part of this. I knew the temper of our clergy too well to depend much on them. Therefore I went out of the way on purpose when our synod was to meet. Petitions were offered for a national synod, which was thought an innocent thing. Yet, it being done on design to heighten the fermentation the kingdom was in, great exceptions were taken to it. One bishop, and four of the clergy, were turned out by an order from the

The clergy was much provoked.

370

king, pursuant to the act asserting the supremacy. 1674.
After a year, upon their submission, they were restored. Though I was not at all concerned in this, (for I was ever of Nazianzen's opinion, who never wished to see any more synods of the clergy [q],) yet the king was made believe, that I had laid the whole matter, even though I did not appear in any part of it.

A great distraction in Scotland.

Another disorder broke out, which had greater effects. A cause being judged in the supreme court of session, the party appealed to the parliament. This was looked on as a high contempt, done on design to make the parliament a court of judicature, that so there might be a necessity of frequent parliaments. So the judges required all the lawyers to condemn this, as contrary to law. And they had the words of a law on their side: for there lay no such appeal as stopped process, nor was there a writ of error in their law: but upon petitions, parliaments had, though but seldom, reviewed and reversed the judgments of the courts. So the debate lay about the sense of the word *appeal*. Sir George Lockhart, brother to the ambassador, was the most learned lawyer and the best pleader I have ever yet known in any nation; [he was a covetous, a passionate, and an ambitious man;] and he had all the lawyers almost in a dependance on him. He was engaged with the party, and resolved to stand it out. The king sent down an order to put all men from the bar that did not condemn appeals. And,

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

1674. when that wrought not on them, they were by proclamation banished Edenburgh, and twelve miles about it: and a new day was assigned them for making their submission; the king in a very unusual style declaring, on the word of a prince, that, if they submitted not by that day, they should never be again admitted to their practice. They stood it out: and the day lapsed without their submitting. Yet afterwards they renounced appeals in the sense of the Roman law: and, notwithstanding the unusual threatening in the proclamation, they were
371 again restored to practice. But this made a stop for a whole year in all legal proceedings.

Lauderdale's proceedings there.

The government of the city of Edenburgh was not so compliant as was expected. So duke Lauderdale procured a letter from the king to turn out twelve of the chief magistrates, and to declare them for ever incapable of all public trusts: so entirely had he forgot his complaints formerly made against incapacity, even when passed in an act of parliament: [but he kept to the same number of twelve.] The boroughs of Scotland have by law a privilege of meeting once a year in a body, to consider of trade, and of bye-laws relating to it. At a convention held this year, a petition was agreed on, and sent to the king, complaining of some late acts that hindered trade, for the repeal of which there was great need of a session of parliament: they therefore prayed, that when the king sent down a commissioner to hold a session, he might be instructed in order to that repeal. This was judged a legal thing by the lawyers there; for this was a lawful assembly: they did not petition for a parliament, but only for instructions to the session. Yet it was

condemned as seditious: and those who promoted it were fined and imprisoned for it. Thus duke Lauderdale was lifted up out of measure, and resolved to crush all that stood in his way. He was made earl of Guildford in England [r], and had a pension of three thousand pounds: and he let himself loose into a very ungoverned fury. When duke Hamilton and some other lords came up, the king desired they would put their complaints in writing. They said, the laws were so oddly worded, and more oddly executed, in Scotland, that the modestest paper they could offer might be condemned as leasing-making, and misrepresenting the king's proceedings: so they would not venture on it. The king promised them, that no ill use should be made of it to their prejudice. But they did not think it safe to trust him; for he seemed to be entirely delivered up to all duke Lauderdale's passions [s]. 1674.

It is no wonder then that I could not stand before him; though at my coming up, the duke of York received me with great kindness, and told me, how he had got out of great difficulties, and added, that the king was very firm to him: he commended likewise his new duchess much: he was troubled at I was disgraced.

[r] In the former session of parliament it was often mentioned in the house of commons to treat him as a commoner of England, and against him as such (they) could do more, than against the other ministers, who were peers of England. Gray's manuscript Debates in the House of Commons, for somewhat of this, in 1673, and 1675. They are now printed. See Dugdale's Baronage, for the time of duke Lauderdale's being made an English peer. O.

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

1674. our disorders: he was firm to duke Lauderdale: but he would have endeavoured to reconcile matters, if there had been room for it. He told me, the king was highly incensed against me; and was made believe, that I was the chief spring of all that had happened: he himself believed me more innocent; and said, he would endeavour to set me right with him: and he carried me to the king, who received me coldly. Some days after, when the duke was a hunting, the lord chamberlain told me, he had orders to strike my name out of the list of the chaplains; and that the king forbade me the court, and
372 expected I should go back to Scotland. The duke seemed troubled at this, and spoke to the king about it: but he was positive. Yet he admitted me to say to him what I had to offer in my own justification. I said all that I thought necessary; and appealed to duke Hamilton, who did me justice in it. But the king said, he was afraid I had been too busy[t]; and wished me to go home to Scotland, and be more quiet. The duke upon this told me, that, if I went home without reconciling my self to duke Lauderdale, I should be certainly shut up in a close prison, where I might perhaps lie too long. This I looked on as a very high obligation: so I resigned my employment, and resolved to stay in England. I preached in many of the churches of London; and was so well received, that it was probable I might be accepted of in any that was to be disposed of by a popular election[u]. So a church falling to be given in that way, the electors had a mind to choose me: but yet they were not willing to offend the court. The

[t] The king knew him right. S. [u] Much to his honour. S.

duke spoke to duke Lauderdale, and told him that he had a mind I should be settled in London, and desired he would not oppose it. Duke Lauderdale said, all this was a trick of the party in Scotland, to settle me, that I might be a correspondent between the factions in both kingdoms. Yet, upon the duke's undertaking that I should not meddle in those matters, he was contented that the king should let the electors know he was not against their choosing me. Upon this duke Lauderdale, seeing what a root I had with the duke, sent a message to me, that, if I would promise to keep no farther correspondence with duke Hamilton, I should again be restored to his favour. I said, I had promised the duke to meddle no more in Scotish affairs: but I could not forsake my friends, nor turn against them. By this he judged I was inflexible. So he carried a story to the king the very night before the election, that upon inquiry was found to be false, when it was too late to help what was done. Upon that, the king sent a severe message to the electors. So I missed that. And some time after a new story was invented, of which Sharp was indeed the author, by which the king was made believe that I was possessing both lords and commons against duke Lauderdale. Upon that, the king ordered Coventry to command me to leave London, and not to come within twenty miles of it. The duke told me what the particulars were, which were all false: for lord Falconbridge and lord Carlisle were the lords into whom it was said I was infusing those prejudices. Now I was known to neither of them; for, though they had desired my 1674.

1674. acquaintance, I had declined it. So I told all this to secretary Coventry, who made report of it to the king in the duke's presence: and those lords justified me in the matter. I hoped the king would upon all this recall his order. But he would not do
373 it. So I asked to have it in writing. The secretary knew it was against law: so he would not do it. But I was forbid the court. The duke brought duke Lauderdale and me once together, to have made us friends. But nothing would do, unless I would forsake all my friends, and discover secrets. I said, I knew no wicked ones: and I could not break with persons with whom I had lived long in great friendship. The duke spoke to the lord treasurer, to soften duke Lauderdale with relation to me; and sent me to him. He undertook to do it; but said afterwards, duke Lauderdale was intractable.

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

[x] A Scotch dog. S.

use of it against him, in the next session of parliament: for which the earl of Danby and he were preparing, by turning to new methods. 1674.

The ministers turned to the church party.

Lord Danby set up to be the patron of the church party and of the old cavaliers: and duke Lauderdale joined himself to him. It was said, the king had all along neglected his best and surest friends: so a new measure was taken up, of doing all possible honours to the memory of king Charles I. and to all that had been in his interests. A statue of brass on horseback, that had been long neglected, was bought, and set up at Charing Cross: and a magnificent funeral was designed for him. The building of St. Paul's in London was now set on foot with great zeal. Morley and some of the bishops were sent for: and the new ministry settled a scheme with them, by which it was offered to crush all the designs of popery. The ministers expressed a great zeal in this; and openly accused all the former ministers for neglecting it so long. But, to excuse this to the duke, they told him, it was a great misfortune, that the church party and the dissenters were now run into one; that the church party must have some content given them; and then a test was to be set on foot, that should for ever shut out all dissenters, who were an implacable sort of people. A declaration renouncing the lawfulness of resistance in any case whatsoever, and an engagement to endeavour no alteration in church or state, was designed to be a necessary qualification of all that might choose or be chosen members of parliament. If this could be carried, the king's party would be for ever separated from the dissenters, and be so much the more united to him.

1674. In order to this, it was necessary to put out severe
374 orders of council against all convicted or suspected papists. The duke acquainted me with this scheme. He disliked it much. He thought this would raise the church party too high. He looked on them as intractable in the point of popery. Therefore he thought, it was better to keep them under by supporting the papists. He looked on the whole project, as both knavish and foolish. And upon this he spoke severely of duke Lauderdale, who he saw would do any thing to save himself: he (Lauderdale) had been all along in ill terms both with Sheldon and Morley: but now he reconciled himself to them: he brought Sharp out of Scotland, who went about assuring all people, that the party set against him was likewise set against the church. This, though notoriously false, passed for true among strangers. And, Leightoun coming up at the year's end to quit his archbishopric of Glasgow, Burnet had made such submissions that he was restored to it. So that wound, which had been given to episcopacy in his person, was now healed. And Leightoun retired to a private house in Sussex, where he lived ten years in a most heavenly manner, and with a shining conversation. So now duke Lauderdale was at the head of the church party.

Correspondence with Holland discovered.

The court was somewhat disturbed with discoveries that were made at this time. When sir Joseph Williamson came back from Cologn, he secretly met with Wicquefort, who has published a work about ambassadors. He was the Dutch secretary, that translated the intelligence that came from England. And sometimes the originals were left in his hands. Williamson prevailed with him to deliver these to

him. Most of them were writ by the lord Howard's brother, who upon his brother's death was afterward's lord Howard. He was a man of wit and learning, bold and poor, who had run through many parties in religion. In Cromwell's time he was rebaptized, and had preached in London. He set up in opposition to Cromwell, as a great commonwealth's man, and did some service in the restoration. But he was always poor, and ready to engage in any thing that was bold. He went over in the beginning of the war, and offered to serve De Wit. But he told me, he found him a dry man. As soon as the prince was raised, he waited on him and on Fagel; and undertook not only to send them good intelligence, but to make a great party for them. He pressed the prince to make a descent on England, only to force the king to call a parliament, and to be advised by it. And he drew such a *manifesto*, as he believed would be acceptable to the nation. He, and one of the Du Moulins, that was in lord Arlington's office, joined together, and gave the States very good intelligence. Du Moulin, fearing that he was discovered, took the alarm in time, and got beyond sea. Most of the papers that Wicquefort delivered were of Howard's writing. So upon his examination in the Tower, it appeared 375
they had his letters against him. And, when notice was sent of this to Holland, Wicquefort was called on to bring before them all the original letters that were trusted to him. And upon his not doing it, he was clapt up. And the States sent word to the king, that, if any person suffered in England on the account of the letters betrayed by him, his head should go for it. Halewyn told me, when it was 1674.

1674. put to the judges to know what sort of crime this could be made, since the papers were given up after the peace was concluded, (otherwise the betraying the secrets of the state to enemies was a manifest crime,) they came to this resolution, that as by the Roman law every thing was made capital that was *contra salutem populi Romani,* so the delivering up such papers was a capital crime. This threatening saved Howard. But yet Wicquefort was kept very long in prison, and ruined by it. He had a sort of a character from one of the princes of Germany, upon which he insisted. But the States thought, that his coming into their service was the throwing up of that character. Upon this occasion Carstairs, mentioned in the year 1672, was sent over from Holland to England. And he was seized on with a paper of instructions, that were drawn so darkly, that no wonder if they gave a jealousy of some ill designs then on foot. The prince said, when asked about it, that it was only meant for a direction for carrying on the levies of some regiments that the king had allowed the Dutch to make in Scotland, which the king did the better to excuse his letting so many continue in the French service. Howsoever, mention being made of money to be paid, and of men to be raised, and a compliment being ordered to be made to duke Hamilton, this looked suspicious. Howard had confessed all he knew upon promise of pardon. So that and this laid together gave the court some apprehensions. Duke Lauderdale made use of it to heighten the king's ill opinion of the party against him. And, because lieutenant-general Drummond was of all the military men he that had the best capacity and the

Jealousies of the prince of Orange.

greatest reputation, he moved that he might be se- 1674.
cured. The method he took in doing it shewed that he neither suspected him nor regarded the law. The ancient method was to require men to render themselves prisoners by such a day. This was a snare to many, who, though innocent, yet hating restraint, went out of the way, and were proceeded against in an outlawry: but an act of parliament had been made, condemning that method for the future. Yet duke Lauderdale resolved to follow it. And Drummond, knowing his innocence, rendered himself as required; and was kept a year in a very cold and inconvenient prison at Dunbarton, on the top of a high rock. This, coming after a whole life of loyalty and zeal, was thought a very extraordinary reward to such high pretensions.

Drummond was ordered to prison.

One thing on this occasion may be fit to be told. 376
Lord Kincardin had served duke Lauderdale faithfully, even longer than he could do with a good conscience: for he had stuck to him, and was left by him with the king, when he went to Scotland, who knew well with how much zeal he had supported his interest, and excused his faults. When duke Lauderdale was hotly pushed at, he then promised to all his friends, that he would avoid all former errors, if he got out of his trouble: and that made lord Kincardin so earnest to serve him. But, when he saw into how much fury he was running, he tried to have persuaded him to more temper; but found it was in vain. Then he confessed to me, that I had judged truer than he had done; for I believed he would grow worse than ever. When lord Kincardin found he could not hinder things in private, he opposed them at council: and so they

1674. broke with him. He came up to justify himself to the king, who minded those matters very little; but thought it was necessary to give a full scope to duke Lauderdale's motions, who had told the king there was a spirit of rebellion that run through all sorts of people, and that was to be subdued by acts of power, though perhaps neither legal nor just: and when that evil spirit was once broken, then it would be fit to return to more legal and moderate counsels. So lord Kincardin found there was no arguing with the king upon particulars. Therefore he begged leave to stay some time at court, that he might not be obliged to oppose that, which the king was made believe his service required. The king consented to this; and upon all occasions used him very well. Duke Lauderdale could not bear that, and pressed the king often to command him home; which he refused to do. Once he urged it with much vehemence: and the king answered as positively, that he saw no reason for it, and he would not do it. Upon this he came home as in a fit of distraction, and was gathering together all his commissions to deliver them up to the king. Upon that the marquis of Athol, who was then in high favour with him, went to the king, and told him that he had sent duke Lauderdale home half dead and half mad; and begged the king to take pity on him. So the king sent a message to lord Kincardin, ordering him to go home. This lord Athol himself told me afterwards.

The battle of Seneff.

Towards the end of summer the battle of Seneff was fought: in the beginning of which the French had a great advantage: but the prince of Condé pushed it too far: and the prince of Orange engaged

the whole army with so much bravery, that it ap- 1674.
peared that the Dutch army was now brought to another state than he had found it in. He charged himself in many places, with too great a neglect of his person, considering how much depended upon it. He once was engaged among a body of French, 377
thinking they were his own men, and bid them charge: they told him they had no more powder: he, perceiving they were none of his men, with great presence of mind got out of their hands, and brought up a body of his army to charge them; who quickly routed them. The action in the afternoon recovered the loss that was made in the morning; and possessed all the world, the prince of Condé in particular, with a great esteem of the prince's conduct and courage. I will say little of foreign affairs; because there are many copious accounts of them in print; and I can add little to them. With relation to the battle of Seneff, the prince himself told me that the day before he saw a capuchin, that came over from the French army, and had a long conversation with Zouch, the emperor's general; who behaved himself so ill on the day of battle, that the prince said to his son at night, that his father had acted so basely, that, if it had not been for the respect he bore the emperor, he would have shot him through the head. He was disgraced on this. But the success of the campaign was lost by it. They had a noble army; and might have done much more than they did. Grave was retaken in the end of the campaign. So the provinces were now safe on that side. And the prince had gained so much credit with the States, that he was now more than ever the master of their counsels.

1674. The alarm that those discoveries from Holland gave our court, made lord Arlington offer at one trial more for recovering the king's confidence. He offered to go over to Holland with the earl of Ossory: for they fancied they had a great interest in the prince, by their having married two of Beverwardt's daughters: and the prince had always a particular affection to lord Ossory. Lord Arlington said, he would go to the bottom of every thing with the prince; and did not doubt, but he would bring him into an entire dependence on his uncle, and particularly dispose him to a general peace; on which the king was much set, it being earnestly desired by the French. It was likewise believed, that he had leave to give the prince the hope of marrying her whom he afterwards married. The duke told me he knew nothing of the matter: he had heard, lord Arlington had talked as if the managing that was his chief errand: and upon that he had asked the king, who assured him that he had a positive order not so much as to speak of that matter. Yet, whether notwithstanding this he had a secret order, or whether he did it without order, he certainly talked a great deal of it to the prince, as a thing which he might depend on, if he would in all other things be governed by the king.

Arlington went to Holland.

Temple sent ambassador to Holland.

Sir William Temple had been sent over the summer before, as ambassador: and his chief instructions were, to dispose all people's minds, chiefly the prince's, to a peace. But the prince had avoided the seeing him till the end of the campaign. Lord Arlington had thrown him off, when he went into the French interest: and Temple was too proud to bear contempt, or forget such an injury soon. He

378

was a vain man, much blown up in his own conceit, which he shewed too indecently on all occasions. He had a true judgment in affairs, and very good principles with relation to government; but [good] in nothing else: [for he was an Epicurean both in principle and practice.] He seemed to think that things were as they are from all eternity. At least he thought religion was fit only for the mob[y]. He was a great admirer of the sect of Confucius in China, who were atheists themselves, but left religion to the rabble. He was a corrupter of all that came near him. And he delivered himself up wholly to study, ease, and pleasure[z]. He entered into a close friendship with lord Danby, who depended much on him: and was directed in all his notions as to foreign affairs by him; for no man ever came into the ministry, that understood the affairs of Europe so little as he did. 1674.

I will henceforth leave the account of our affairs beyond sea wholly to Temple's letters, in which they are very truly and fully set forth. And in them it appears, that the prince of Orange, even while so young, and so little practised in affairs, had

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

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

1674. so clear and so just a view of them, that nothing could misguide him; and that the bad prospect he had from the ill condition of affairs did not frighten him to accept of any mean or base conditions of peace. His fidelity to his country and the public interest was so firm, that no private considerations of his own could bias him, or indeed be much considered by him. These letters give him a character that is so sublime, as well as so genuine, that it raises him much above all the performances of rhetoric or panegyric. I will mention very little that is to be found in them. Holland was in great expectation, when they saw two such men as the earls of Ossory and Arlington come over, together with the earl of Danby's eldest son, though the last only made the shew a little greater. Lord Arlington for some days insisted vehemently on the prince's dismissing Du Moulin, who had discovered the secrets of his office to him. In this the prince complied: and Du Moulin was sent to one of their plantations. As to all other things, lord Arlington talked to him in the strain of a governor; and seemed to presume too much on his youth, and on his want of experience. But, instead of prevailing on the prince, he lost him so entirely, that all his endeavours afterwards could never beget any confidence in him. So he came back, and reckoned this was his last essay; which succeeding so ill, he ever after that withdrew from all business. He made himself easy to the king, who continued to be still very kind to him.

1675. Affairs in England. At Easter, a piece of private news came from France, which the duke was much delighted with, 379 because it did an honour to the order of the Jesuits,

to whom he had devoted himself. The new confessor had so pressed the king of France in Lent to send away his mistress, Montespan, that he prevailed at last. She was sent to a nunnery. And so the king received the sacrament, as was said, in a state of contrition. This was writ to the duke, and set out with such circumstances, as the French usually do every thing that relates to their king. The duke was much pleased with it. He told me, he had related it with all its circumstances to the king in the duchess of Portsmouth's hearing; and said, they both heard it with great uneasiness, and were much out of countenance at it. The duke himself was then in the best temper I had ever known him in. He was reading Nurembergius of the difference of things temporal and things eternal: and we had much good discourse on that subject. Lord Arlington ran so much in his mind, that he once said to me, if lord Arlington would read that book, he would not meddle in so many affairs as he did. I saw he was very jealous of him, and of his interest in the king. Thus I have given a full account of my acquaintance with the duke. 1675:

I was examined by the house of commons.

I lost his favour soon after this. For in April 1675 a session of parliament was held, as preparatory to one that was designed next winter, in which money was to be asked: but none was now asked; it being only called to heal all breaches, and to beget a good understanding between the king and his people. The house of commons fell upon duke Lauderdale. And those who knew what had passed between him and me[a], moved that I should be exa-

[a] See before, p. 373. O.

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

was necessary to be known. Upon this I yielded, 1675.
and gave an account of the discourse formerly mentioned [b]. They laid great weight on this [c], and renewed their address against duke Lauderdale.

I was much blamed for what I had done. Some, to make it look the worse, added, that I had been his chaplain, which was false; and that I had been much obliged to him, though I had never received any real obligation from him, but had done him great services, for which I had been very unworthily requited. Yet the thing had an ill appearance, as the disclosing of what had passed in confidence; though I make it a great question, how far even that ought to bind a man, when the designs are very wicked, and the person continued still in the same post and capacity of executing them. I have told the matter as it was, and must leave my self to the censure of the reader. My love to my country, and my private friendships, carried me perhaps too far [d]; especially since I had declared much against clergymen's meddling in secular affairs, and yet had run my self so deep in them. [The truth is, I had been, for above a year, in a perpetual agitation, and was not calm or cool enough to reflect on my conduct, as I ought to have done. I had lost much of a spirit of devotion and recollection, and so it was no wonder, if I even committed great errors.]

This broke me quite with the court, and in that respect proved a great blessing to me. It brought me out of many temptations; the greatest of all be-

[b] P. 355. O. Treacherous villain. S.

[c] They made no use of it; and the majority of the house did not seem to like its coming from him. See Journal of the House of Commons, 21, 23, 29. April 5.—May 6. 1675. O.

[d] Right. S.

1675. ing the kindness that was growing upon me from the duke, which might have involved me into great difficulties, as it did expose me to much censure; all which went off upon this occasion. And I applied my self to my studies, and my function, being then settled preacher at the rolls, and soon after lecturer of St. Clement's. I lived many years under the protection of sir Harbottle Grimstone, master of the rolls, who continued steady in his favour to me, though the king sent secretary Williamson to desire him to dismiss me. He said he was an old man, fitting himself for another world, and he found my ministry useful to him; so he prayed that he might be excused in that. He was a long and very kind patron to me. I continued ten years in that post, free from all necessities: and, I thank God, that was all I desired. But, since I was so long happy in so quiet a retreat, it seems but a just piece of gratitude, that I should give some account of that venerable old man.

Sir Harbottle Grimstone's character.

He was descended from a long-lived family; for his great grandfather lived till he was ninety-eight, his grandfather to eighty-six, and his father to seventy-eight, and himself to eighty-two. He had to the last a great soundness of health, of memory, and of judgment. He was bred to the study of the law, being a younger brother. Upon his elder brother's death he threw it up. But falling in love with judge Crook's daughter, the father would not bestow her on him, unless he would return to his studies; which he did with great success. That judge was one of those who delivered his judgment in the chequer-chamber against the ship-money, which he did with a long and learned argument. And sir

381

Harbottle's father, who served in parliament for Es- 1675.
sex, lay long in prison, because he would not pay the loan-money. Thus both his family and his wife's were zealous for the interest of their country. In the beginning of the long parliament he was a great asserter of the laws; and inveighed severely against all that had been concerned in the former illegal oppression. His principle was, that allegiance and protection were mutual obligations; and that the one went for the other. He thought the law was the measure of both; and that when a legal protection was denied to one that paid a legal allegiance, the subject had a right to defend himself. He was much troubled, when preachers asserted a divine right of regal government. He thought it had no other effect, but to give an ill impression of them as aspiring men: nobody was convinced by it: it inclined their hearers rather to suspect all they said besides: it looked like the sacrificing their country to their own preferment; and an encouraging of princes to turn tyrants. Yet when the long parliament engaged into the league with Scotland, he would not swear the covenant. And he discontinued sitting in the house till it was laid aside. Then he came back, and joined with Hollis, and the other presbyterians, in a high opposition to the independents, and to Cromwell in particular, as was told in the first book. And he was one of the secluded members that were forced out of the house. He followed afterwards the practice of the law, but was always looked at as one who wished well to the ancient government of England. So he was chosen speaker of that house that called home the king; and had so great a merit in that whole affair, that

1675. he was soon after, without any application of his own, made master of the rolls: in which post he continued to his death with a high reputation, as he well deserved it. For he was a just judge; very slow, and ready to hear every thing that was offered, without passion or partiality. I thought his only fault was, that he was too rich: and yet he gave yearly great sums in charity, discharging many prisoners by paying their debts. He was a very pious and devout man, and spent every day at least an hour in the morning, and as much at night, in prayer and meditation. And even in winter, when he was obliged to be very early on the bench, he took care to rise so soon, that he had always the command of that time which he gave to those exercises. He was much sharpened against popery; but
382 had always a tenderness to the dissenters[e], though he himself continued still in the communion of the church. His second wife, whom I knew, was niece to the great sir Francis Bacon: and was the last heir of that family. She had all the high notions for the church and the crown, in which she had been bred; but was the humblest, the devoutest, and best tempered person I ever knew of that sort[f]. It was really a pleasure to hear her talk of religion: she did it with so much elevation and force. She was always very plain in her clothes: and went oft to gaols, to consider the wants of the prisoners, and relieve or discharge them; and by the meanness of her dress she passed but for a servant trusted with the charities of others. When she was travelling in the country, as she drew near a village, she often or-

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

[f] Rogue. S.

dered her coach to stay behind till she had walked about it, giving orders for the instruction of the children, and leaving liberally for that end. With two such persons I spent several of my years very happily. But I now return to the session of Parliament[g]. 1675.

In the house of commons the business against duke Lauderdale was taken up warmly at three several times: and three several addresses were made to the king against him. The king's answer was, that he would protect no man against law and justice; but would condemn none without special matter well made out. There was no money offered: so addresses were feeble things. The next attempt was against the earl of Danby, who had begun to invert the usual methods of the exchequer. But the majority were for him: so that charge came to nothing. Only those who begun it formed a party against him, that grew in conclusion to be too hard for him. He took a different method from those who were in the ministry before him. They had taken off the great and leading men: and left the herd as a despised company, who could do nothing, because they had none to head them. But lord Danby reckoned that the major number was the surer game: so he neglected the great men, who he thought raised their price too high; and reckoned, Danby attacked, but in vain.

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

1675. that he could gain ten ordinary men, cheaper than one of those. This might have succeeded with him, if they that did lead his party had been wise and skilful men. But he seemed to be jealous of all such, as if they might gain too much credit with the king. The chief men that he made use of were of so low a size, that they were baffled in every debate. So that many, who were inclined enough to vote in all obedience, yet were ashamed to be in the vote on the side that was manifestly run down in the debate.

Seimour's character.

The ablest man of his party was Seimour, who was the first speaker of the house of commons that was not bred to the law. He was a man of great birth, being the elder branch of the Seimour family; and was a graceful man, bold and quick. But [was the most immoral and impious man of his age;] he had a sort of a pride so peculiar to himself, that I 383 never saw any thing like it. He had neither shame nor decency with it[h]. [And in all private dealings he was the unjustest and blackest man that has lived in our times.] He was violent against the court, till he forced himself into good posts. He was the most assuming speaker that ever sate in the chair. He knew the house and every man in it so well, that by looking about he could tell the fate of any question. So, if any thing was put, when the court party was not well gathered together, he would have held the house from doing any thing, by a wilful mistaking or mistating the question. By that he

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

gave time to those who were appointed for that mercenary work, to go about and gather in all their party. And he would discern when they had got the majority. And then he would very fairly state the question, when he saw he was sure to carry it. 1675.

A great many of the court grew to be so uneasy, especially when they saw the king was under the influence of French and popish counsels, that they were glad to be out of the way at critical times. On some occasions they would venture to vote against the court: of which the memorable answer of Harvey's [i], who was treasurer to the queen, was a noted instance. He was one whom the king loved personally: and yet upon a great occasion he voted against that which the king desired. So the king chid him severely for it. Next day, another important question falling in, he voted as the king would have him. So the king took notice of it at night; and said, You were not against me to day. He answered, No, sir, I was against my conscience to day. This was so gravely delivered, that the king seemed pleased with it: and it was much talked of. While things went thus in the house of commons, there was the greatest and longest debate in the house of lords that has been in all my time. They sat upon it often till midnight.

Debates concerning a test.

It was about the test that Lord Danby had contrived, as was formerly mentioned. Lord Danby, and lord Finch, and some of the bishops, were the chief arguers for it. They said, it was necessary that a method should be found out, to discriminate the good subjects from the bad: we had been lately

[i] He was either father or uncle of the present earl of Bristol. He was uncle. O

1675. involved in a long civil war, occasioned by the ill principles that some had taken up with relation to government: it was fit to prevent the return of such miseries: the king had granted a very full indemnity, and had observed it religiously: but there was no reason, while so much of the old leaven still remained, to leave the nation exposed to men of such principles: it was not fit to make a parliament perpetual: yet that was a less evil, than to run the hazard of a bad election; especially when jealousies and fears had been blowed about the nation: a good constitution was to be preserved by all prudent methods: no man was to be pressed to take this test: but, as they, who were not willing to come into such an engagement, ought to have the modesty to be contented with the favour and connivance of the government, so, if that did not teach
384 them good manners, it might be fit to use severer tools. To all this, great opposition was made. It was plain, the duke did not like it: but the king was so set on it, that he did not declare himself against it. But all the papists were against it: they thought the bringing any test in practice would certainly bring on one that would turn them out of the house. The lords Shaftsbury, Buckingham, Hollis, Hallifax, and all those who were thought the country party, opposed this mightily. They thought there ought to be no tests, beyond the oath of allegiance, upon the elections to Parliament: that it being the great privilege of Englishmen, that they were not to be taxed but by their representatives; it was therefore thought a disinheriting men of the main part of their birthright, to do any thing that should shut them out from their votes in electing;

all tests in public assemblies were thought dangerous, 1675.
and contrary to public liberty: for if a parliament thought any law inconvenient for the good of the whole, they must be supposed still free to alter it[k]: and no previous limitation could bind up their legislature: a great deal was said, to shew that the peace of the world was best secured by good laws and good government; and that oaths or tests were no security: the scrupulous might be fettered by them: yet the bulk of the world would boldly take any test, and as boldly break through it; of which the late times had given large proofs: the matter of this test was very doubtful: for though, generally speaking, the king's person and his power were not to be distinguished, yet that was not universally true: an infant king, or a lunatic, were exceptions: as also a king in his enemies' hands; which was the case of Henry VI. for whose power his own party fought even against his person: so an exception was to be understood; otherwise the proposition, that affirmed it was a traitorous position to separate them, was not true: nor could it be reasonable to bind up men against alterations: every new law was an alteration: it was not easy to define how far the power of making alterations might go, and where it must stop: these things were best left at large: upon the whole matter, as they were against any parliamentary tests, so they were more particularly against this. Lord Shaftsbury distinguished himself more in this session than ever he had done before. He spoke once a whole hour, to shew the inconvenience of condemning all resistance upon any pretence whatsoever. He said, it might be proper

[k] Wrong arguing. S.

1675. to lay such ties upon those who served in the militia, and in corporations, because there was still a superior power in parliament to declare the extent of the oath: but it might be of very ill consequence to lay it on a parliament: since there might be cases, though so far out of view that it was hard to suppose them, in which he believed no man would say, it was not lawful to resist. If a king would make us a province, and tributary to France, and subdue the nation by a French army, or to the papal authority, must we be bound in that case tamely to submit? Upon which he said many things that did cut to the quick. And yet, though his words were watched, so that it was resolved to have sent him to the tower if any one word had fallen from him that had made him liable to such a censure, he spoke both with so much boldness and so much caution, that, though he provoked the court extremely, no advantage could be taken against him. The court carried every question in favour of the test, though with great opposition, and a protestation made upon every step that was carried. So that the bill was in a fair way to have passed: and very probably it would have passed in the house of commons, when, by an unlooked for emergent, the session was broke.

A dispute about appeals and privileges.

Ever since the end of king James I.'s reign, petitions of appeal were brought to the house of lords from decrees in chancery. This rose from a parity of reason, because writs of error lay from the courts of law to the house of lords. And since the business of the chancery grew to be so extended and comprehensive, it was not thought safe to leave it to the lord chancellor's conscience. So this practice, though

so lately begun, grew on by degrees to be the main business of the house of lords. A petition of appeal was brought against a member of the house of commons. The lords received it, and made an order upon it. The member being served with it, brought it into the house of commons. And they voted it a breach of privilege, for the lords to meddle with one of their house. The lords, on the other hand, said, they were bound to do justice to all: and no privilege could lie against that: and, since they never sate but when the commons sate likewise, if a privilege from that house could stop their proceedings, there must be a failure in justice: and since no privilege was ever pretended in the case of a writ of error, it could not lie against an appeal. So they resolved to proceed in the cause. The commons passed a vote against any lawyers that should plead at the lords' bar in this cause. But the lords commanded the council to go on; with which they complied. And as they went from the lords' bar, they were by an order from the house of commons sent to the tower. But they were by another order from the lords set at liberty. So the two houses being as it were at war, it was necessary to put an end to the session. 1675.

This was very uneasy to the court: for they saw it was a very sure method to break a session of parliament, every time that it was taken up. I am not sure, if this was laid, or if it happened by accident. Lord Shaftsbury said, it was laid by himself. But others assured me, it happened in course, though it produced great effects: for there never was a strength in the court to raise this debate of the test in any subsequent session. And as this made the The session broke up on it.

1675. court apprehend they might by the prosecution of the same appeal lose the next session, since the 386 prorogation did only discontinue parliamentary proceedings, but not judiciary ones; so they feared this might go so far as to force a dissolution of the present parliament: to which the court would be very hardly brought, after they had practised so long upon the members, and knew them all so well.

In this session, on a day that grievances were to be gone upon, Grimstone said, that considering the extent of privilege, he looked on a standing parliament as the greatest grievance of the nation; so many men being exempted from justice, and from the demands of their creditors, for so long and so indefinite a time. This motion was let fall at that time. But it was not forgot[1]. And it was likely to be taken up, when new opportunities should be offered. The summer went over without any considerable accidents at home.

A session of parliament.

A new session met next winter. And at the first opening it, the king laid before the commons the great difficulties he was in by the anticipations of his revenues. It was then generally thought, that the king was in such straits, that, if money could not be obtained, he must turn to other counsels and to other ministers. The debate went high in the committee of the whole house. It was offered on the one side to shew, that the king had not enough in his hands to maintain the government and to secure the nation: though our neutrality at that time made trade flow in upon us, so that the customs rose higher than

[1] Old sir Christopher Musgrave used to say, that a good motion in parliament never died; or a bad one ever do good to the man that made it. D.

ever. On the other hand it was said, that if antici- 1675.
pations were once admitted as a reason for a supply, the court would never want that reason. It was fitter to examine by whose means or on what design those anticipations were made. At last, the question was put. And the vote being then stated, and the previous question being then put, whether the main question should be then put or not, the votes were equal. So sir Charles Harbord, who was in the chair, gave it for putting the main question. But, some of the country side coming in between the two questions, the main question was lost by two or three. So near was the court to the carrying so great a point. Harbord was much blamed for his rashness. He said, the duty of the chair was always to set matters forward: and so he ought to have given it for putting the main question: and, if the same equality had continued, he said, he would have given it for the court. He was a very rich and covetous man, who knew England well: and his parts were very quick about him in that great age, being past eighty. A lively repartee was made by his own son to him in the debate. He had said, the right way of dealing with the king, and of gaining him to them, was, to lay their hands on their purses, and to deal roundly with him. So his son said, he seconded his motion: but he meant, that they should lay their hands on their purses, as he himself did, and hold them well shut, that no money should go out of them. The earl of Danby was much disappointed 387
at this. Yet he took heart, since it was brought so near, that he reckoned he would make the next session sure. The petition of appeal, that had broke the former session, was now brought on again before

1675. the lords. The court tried their whole strength to keep it off, till they saw what might be expected from the commons. So, upon the miscarriage of the great vote in the house of commons, the lords went on upon the petition: and, the commons opposing them vigorously, as before, it was visible that the parliament must be prorogued.

The characters of some parliament men.

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

[m] The present loss under K. J. (sic.) *Tempora mutantur;* for nothing now will do but septennial parliaments. S.

commons, that, if they would not be more tractable, 1675.
and help the king out of his necessities, he was sure a new parliament would give him money, and make him easy; and that the rather for having dissolved them. This wrought on many of them, who had been chosen while the nation was in a fit, or rather a fury, of loyalty. They knew, they could never hope to be chosen again. Many of them were ruined in their fortunes, and lived upon their privileges and upon their pensions. They had got it among them for a maxim, which contributed not a little to our preservation while we were in such hands, that, as they must not give the king too much at a time, lest there should be no more use of them, so they were to take care not to starve the court, lest they themselves should be starved by that means. They were indeed generally both against popery and France. And, to redeem their credit for the money that they were ready to give somewhat too lavishly, they said, when they went into their countries, that it was on design to fix the king to an English interest and the protestant religion. 388
And they had talked so high on those heads, that the court itself could not manage them, when any thing relating to these came before them. Some of them were high for the prerogative: others high for the church: and all the mercenary men were careful of themselves. In opposition to these a great party was formed, who declared more heartily for the protestant religion, and for the interest of England. The duke of Buckingham and the earl of Shaftsbury opened many of their eyes, and let them know the designs of the court. And indeed they were then so visible, that there was enough seen, without such secret in-

1675. telligence, to convince the most incredulous. Sir William Coventry had the greatest credit of any man in the house. He never meddled personally with any minister. He had a perfect understanding of affairs. So he laid open the errors of the government with the more authority, because he mixed no passion nor private resentments with it. His brother usually answered him with much life in a repartee, but not with the weight and force with which he spoke. Colonel Birch was a man of a peculiar character. He had been a carrier at first, and retained still, even to an affectation, the clownishness of his education [n]. He got up in the progress of the war to be a colonel, and to be concerned in the excise. And at the restoration he was found to be so useful in managing the excise, that he was put in a good post. He was the roughest and boldest speaker in the house; and talked in the language and phrases of a carrier, but with a beauty

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

and eloquence that was always acceptable. I heard 1675.
Coventry say, he was the best speaker to carry a popular assembly before him that he had ever known. He spoke always with much life and heat. But judgment was not his talent. Waller was the delight of the house: and even at eighty he said the liveliest things of any among them: he was only concerned to say that which should make him be applauded. But he never laid the business of the house to heart, being a vain and empty, though a witty, man. He deserves the character of being one of the great refiners of our language and poetry. He was for near sixty years one of the best of all our writers that way. The two men of quality that were the most considered were the lord Russell and the lord Cavendish. Lord Russell was a man of great candour, and of a general reputation; universally beloved and trusted; of a generous and obliging temper. He had given such proofs of an undaunted courage and of an unshaken firmness, that I never knew any man have so entire a credit in the nation as he had. He quickly got out of some of the disorders into which the court had drawn him. And ever after that, his life was unblemished in all respects. He had, from his first education, an inclination to favour the non-conformists[o]; and wished the laws could have been made easier to them, or they more pliant to the law. He was a slow man, and of little discourse: but he had a true judgment, when he considered things at his 389
own leisure. His understanding was not defective: but his virtues were so eminent, that they would

[o] So have all the author's favourites. S.

1675. have more than balanced real defects, if any had been found in the other. Lord Cavendish, afterwards earl, and then duke, of Devonshire, was too much a libertine both in principle and practice. He went off from the court at first upon resentments for some disappointments there. He was [an ambitious and revengeful man; but he had the courage of an hero, with a much greater proportion of wit and knowledge than is usual in men of his birth. He had a softness in his exterior deportment to which there was nothing within that was answerable[p].] Littleton and Powle were the men that laid the matters of the house with the greatest dexterity and care. Powle was very learned in precedents, and parliament journals, which goes a great way in their debates: and, when he had time to prepare himself[q], he was a clear and strong speaker. Littleton was the ablest and the vehementest arguer of them all. He commonly lay quiet till the end of a debate: and he often ended it, speaking with a strain of conviction and authority that was not easily resisted. I lived the very next door to him for several years: and we spent a great deal of our time every day together. He told me all their management: and commonly, when he was to put his whole strength to argue any point, he used to talk it over with me, and to set me to object all that I could against him. He lived wholly in London. So matters were most in his hands during the in-

[p] In the printed book was substituted, *He was ambitious, and had the courage of a hero, with an unusual proportion both of wit and knowledge. He had a great softness in his exterior deportment.*

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

tervals of parliament. And by his means it was, 1675.
that I arrived at such knowledge of their intrigues. He was a wise and worthy man, had studied much modern history, and the present state and interest of Europe. Sir Thomas Lee was a man that valued himself upon artifice and cunning, in which he was a great master, without being out of countenance when it was discovered[r]. Vaughan, the chief justice's son, was a man of great integrity, had much pride, but did great service. These were the chief men that preserved the nation from a very deceitful and practising court, and from a corrupt house of commons. And by their skill and firmness they, from a small number, who began the opposition, grew at last to be the majority[s].

All this I thought fit to lay together, and to fill 1676.
as it were an empty place in my history: for, as A long interval between the sessions of parliament.
our main business lay in preparing for, or managing a session of parliament, so we had now a long interval, of above a year, between this session in win-

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

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

1676. ter 1675, and the next session of parliament, which was not till the spring in 1677. The French were much set on procuring a peace. And they, seeing how much the parliament was set on engaging the king in the alliance, prevailed with him to discontinue the session; for which, no doubt, he had round sums of money sent to him [t].

An account of some passages of Lockhart's courage in France.

About this time Lockhart the ambassador in France died. The farther he saw into the designs of the court, he grew the more uneasy in the post he was in, though he acted in it with great spirit and resolution, both with relation to his own master and to the French king: of which I will set down two passages, that may be very instructive to ambassadors. In this time of neutrality the French privateers took many English ships, pretending they were Dutch, only with English passes. One of these was taken by a privateer, that, as was believed, Pepys, then secretary to the English admiralty, and in great favour with the duke, had built; and, as was said, out of the king's stores. The merchants proved in council, that the ship was English. So Lockhart had an order to demand her: and he pressed it so effectually, that an order was sent from the court of France to discharge her. But before that was executed, the king was prevailed on by Pepys, to tell the French ambassador, that he did not concern himself in that ship: he believed mer-

390

[t] "(Rouvigny (the French "ambassador) writes, 2d September 1674, that Charles "had agreed either to prorogue "his parliament till April 1675, "in consideration of 500,000 "crowns, or if he convened it "in November, to dissolve it "in case it should refuse to "give him money; in consideration of which he was to "have a pension of 100,000*l.* "from France." *Appendix to Dalrymple's Memoirs of Great Britain and Ireland*, p. 99.)

chants were rogues, and could bring witnesses to prove whatsoever they had a mind to: so the court of France might do what they pleased in that matter. This was writ to Versailles a day or two after the former order was sent. But upon it a new one went to Dunkirk, where the ship lay, to stop her. This came before she could get out. So Lockhart, being informed of that, went to court, and complained heavily. He was told what the king himself had said about it. He answered resolutely, that the king spoke to them only by him. Yet he wrote upon this to the court of England, desiring to be recalled, since he could serve no longer with honour, after he had been so disowned. Upon this the king wrote him a letter with his own pen, excusing the matter the best he could; and justified him in what he had done. And upon that secret orders were sent, and the ship was discharged. The other was a higher point, considering the bigotry of the king of France. Lockhart had a French popish servant, who was dying, and sent for the sacrament. Upon which it was brought with the procession ordinary in such cases. Lockhart, hearing of this, ordered his gates to be shut. And upon that many were inflamed, and were running to force his gates: but he ordered all his family to stand to their arms, and, if any force was offered, to fire. There was a great noise made of this. But no force was offered. He resolved to complain first; and so went to court, and expostulated upon it. He said, his house was his master's house: and here a public triumph was attempted on his master's religion, and affronts were offered him: he said, if a priest had brought the sacrament privately, he 1676.

1676. would have connived at it: but he asked reparation for so public an injury. The king of France seemed to be highly displeased at this, calling it the greatest indignity that had ever been done to his God during his reign. Yet the point did not bear arguing: so Lockhart said nothing to that. When Lockhart went from him, Pompone followed him, sent after
391 him by the king; and told him, he would force the king to suffer none of his subjects to serve him. He answered, he would order his coachman to drive the quicker to Paris, to prevent that; and left Pompone to guess the meaning. As soon as he came to his house, he ordered all his French servants to be immediately paid off, and dismissed. The court of England was forced to justify him in all this matter. A public letter of thanks was writ to him upon it. And the court of France thought it fit to digest it. But the French king looked on him ever after with great coldness, if not with aversion. Soon after that, he fell into a languishing, which, after some months, carried him off. I have ever looked on him as the greatest man that his country produced in this age, next to sir Robert Murray.

Management in France.

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

it out alone, ought not to turn against him; espe- 1676.
cially, since the king of France referred every thing to him as the arbiter and mediator of the peace: he remembered him of the old duke of Buckingham's fate, who thought to become popular by breaking the Spanish match; and it was his ruin: he said, the king of France was the king's best friend and truest ally: and if he made the king forsake him, and depend on his parliament, being so tempered as they were then, both the king and he might come to repent it, when it was too late. I had all this from himself. To this lord Danby replied, that he spoke as a faithful servant to his own master, and that he himself would act as a faithful servant to his master. Courtin spoke a great deal to the same purpose, in the prince of Condé's presence, when I had the honour to wait on him. He told me, there was a strange reverse in things: lord Danby was at that time suffering for being in the French interest: and lord Montague[u] was popular as being against it: whereas, to his knowledge, during his employment in England, lord Danby was an enemy to their interest, as much as lord Montague was for it. I can say nothing as to one point, whether any great sums came over from France all this while, or not. Some watched the rising and falling of the exchange, by which men skilful in those matters can judge, when any great sum passes from one kingdom to another, either in specie or by bill: but they could never find out any thing to make them conclude it was done. Lord Montague told me, he tried often to get into that secret, but in vain: he often said to the king, that, 392
if he would trust him, he could make better bar-

[u] Not then a lord. O.

1676. gains for him than others had made: but the king never answered him a word on that head: and he believed, that what sums soever came over, they were only to the duchess of Portsmouth, or to the king's privy purse; and that the French ambassador had the sole managing of that matter, the king perhaps not being willing to trust any of his own subjects with so important and so dangerous a secret. In all companies the earl of Danby was declaring openly against France and popery. And the see of London falling then void by Henchman's death, he brought Compton, brother to the earl of Northampton, to succeed him. He was made bishop of Oxford, upon Crew's being promoted to Duresme, [who, bating the dignity of being born of a noble, though puritan family, had not any one quality to recommend him to so great a post, unless obedience and compliance could supply all other defects. He has neither learning nor good sense, and is no preacher. He was a fawning abject slave to the court. And thus was raised, and has been now for above thirty years possessed of the greatest income in the church [w].]

The character of some bishops.

Compton [was a man of a much better form; he] carried arms for some years. When he was past thirty, he took orders. He was an humble and modest man. He applied himself more to his function than bishops had commonly done. He went much about his diocese; and preached, and confirmed in many places. His preaching was without much life or learning: for he had not gone through his studies with the exactness that was fitting. He was a great patron

[w] (See below, p. 822.)

of the converts from popery, and of those protestants, whom the bad usage they were beginning to meet with in France drove over to us: and by these means he came to have a great reputation. He was making many complaints to the king, and often in council, of the insolence of the papists, and of Coleman's in particular [v]. So that the king ordered the duke to dismiss Coleman out of his service. Yet he continued still in his confidence. But with these good qualities Compton was a weak man, wilful, and strangely wedded to a party [w]. He was a property to lord Danby, and was turned by him as he pleased. The duke hated him. But lord Danby persuaded both the king and him, that, as his heat did no great hurt to any person, so the giving way to it helped to lay the jealousies of the church party. About a year after that, Sheldon dying, Compton was persuaded that lord Danby had tried with all his strength to promote him to Canterbury; though that was never once intended. There were none of the order, that were in any sort fitted to fill that see, whom the court could trust. 1676.

Sancroft, dean of St. Paul's, was raised to it. He was a man of solemn deportment, had a sullen gravity in his looks, and was considerably learned. He had put on a monastic strictness, and lived abstracted from company. These things, together with his living unmarried, and his being fixed in the old

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

[w] He means to the church. S.

1676. maxims of high loyalty, and a superstitious valuing of little things, made the court conclude, that he was a man who might be entirely gained to serve all their ends; or, at least, that he would be an unactive speculative man, and give them little opposition in any thing that they might attempt, when they had more promising opportunities. He was a dry, cold man, reserved and peevish; so that none loved him, and few esteemed him[x]: yet the high church party were well pleased with his promotion.

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

The projects of the papists.

All this while the papists were not idle. They tried their strength with the king to get the parliament dissolved: in which their hopes carried them so far, that Coleman drew a declaration for justify-

[x] False and detracting. S. But compare this with the character of this archbishop, in the author's second volume of the History of the Reformation, page 379. O. (Dr. D'Oyley, in his life of the archbishop lately published, well observes, "that "the government of the church "could not have been entrusted "to one more firm and tem- "perate in the exercise of his "authority, more watchful over "its general interests, or more "intrepid in the defence of its "rights and privileges at the "hour of peril." Vol. i. p. 153.)

ing it. Their design in this was, once to divide the king and his people: for they reckoned the new parliament would not be so easy to him as this was. For how angry soever this was at him, and he sometimes at them, yet they saw that a severe act against popery, or some steps made against France, would dispose them to forget all former quarrels, and to give money. And as the king always wanted that, and loved to be easy, so the prospect of it was ever in his view. They feared, that at some time or other this might make him both sacrifice popery, and forsake France. So they took all possible methods to engage the king to a more entire dependence on France, and to a distrust of his own people. They were labouring for a general peace in all courts where they had any interest. The prince of Orange's obstinacy was the common subject of their complaints. Lord Shaftsbury tried, upon the duke's concurring in the vote for an address to have the parliament dissolved, if he could separate him from the earl of Danby. And he sent a message to him by the lord Stafford, that his voting as he did in that matter had gained much on many who were formerly his enemies: he wished he would use his interest with the king to get that brought about: and he durst undertake, that a new parliament should be more inclinable to grant the papists a toleration, than they would ever find this would prove. 1676.

Coleman's intrigues.

But the duke and lord Danby were too firmly united to be easily divided: for whatever lord Danby gave out, he made the duke believe, that all that he intended would really turn to his service. Coleman was very busy in writing many letters to all places, but chiefly to the court of France. He was in all his despatches setting forth the good state of the

1676. duke's affairs, and the great strength he was daily
394 gaining. He was either very sanguine, if he believed this himself, or very bold in offering to impose it so positively on others. He was always full of assurances, that, if a peace could be brought about, so that the king of France was set at liberty to assist them with his purse and his force, they were never in such hopes of succeeding in the great design of rooting out this pestilent heresy, that had so long overrun these northern kingdoms, as now. He had a friend, one sir William Throgmorton, of whom he intended to make great use. He and his wife had prevailed with him and his lady to change their religion. And so he sent them over to France, recommending him to the king's confessor, F. Ferrier, as a man that might do them great service, if he could be made one of theirs. So Ferrier, looking on him as a man of importance, applied himself to turn him, which was soon done. And the confessor, to raise the value of his convert, spoke of him to the king in such a strain, that he was much considered. When his lady abjured, the duke of Orleans led her up to the altar. He took great state on him, and soon spent all he had. He was a busy man between the two courts. But before he got into any considerable post, Ferrier died: and the new confessor did not take such care of him as his predecessor had done. So he was forced to quit his high living, and retire to a private house. And he sent his lady into a monastery. Yet he continued still to be Coleman's agent and correspondent. He went often to see an English lady, that was of their religion, lady Brown. And being one day with her, he received a deep wound by a knife struck into his thigh, that pierced the great artery. Whether

the lady did it to defend herself, or he to shew the violence of his passion, was not known. It was not possible to stop the bleeding. Yet the lady would have him carried out of her house. He died in the house of one Hollman, an eminent man of their religion, then at Paris. The whole matter was carried off in such secrecy, that Lockhart, then at Paris, could never penetrate further into it. I had this from his lady after his death. [I love not to make judgments on extraordinary events; but this man's fate, and Coleman's, together with his wife's, who cut her own throat, and had a large share in all he did, were no usual things.] 1676.

Coleman quickly found out another correspondent, that was more useful to him than he whom he lost could ever have been, F. St. German, a Jesuit, who was sent over with the duchess, and passed for her confessor, though I have been assured that was a mistake. He had all the heat of his order in him, and was apt to talk very boldly. I was sometimes in company with him. He was complained of in council by the bishop of London for some practice on one that was come over a convert, whom he was between threatening and persuasion working on, in order to the sending him back. This came to be discovered. Upon which he fled. And on him Coleman fixed for his chief correspondent. Howard was about this time by cardinal Altieri's means promoted to be a cardinal. And upon that the king and duke 395
sent compliments to Rome. This opened a negotiation with that court, that was put in the hands of the internuncio at Brussels. So it was proposed, that a sum of money should be given the king, if in return of that some suitable favours for those of

1676. their religion could be obtained. Coleman was sent over by the duke to Brussels, to treat about it, none being in the secret but the lord Arundell. Yet, as he understood it, the king himself knew of it. When he went thither, he found the sum offered was so small, and the conditions demanded were so high, that he made no progress in the negotiation. Whatsoever Coleman did in the main business, he took good care of himself. All his letters were full of their being able to do nothing for want of money. And he made the French ambassador believe, he could do his master great service, if he was well supplied. He got once 2500 guineas from him, to gain his master some friends. But he applied it all to furnish out his own expense. He was at that time so lifted up, that he had a mind to pass for the head of the party. And of this I will give one instance, in which I my self had a share.

Sir Philip Terwhit, a papist, had married a zealous protestant, who suspecting his religion, charged him with it. But he denied it before marriage; and carried that so far, that he received the sacrament with her in her own church. After they were married, she found that he had deceived her; and they lived untowardly together. At this time some scruples were put in her head, with which she acquainted me, and seemed fully satisfied with the answers that I gave her. She came afterwards to me, and desired I would come to her house, and talk of all those matters with some that her husband would bring to meet us. I told her, I would not decline the thing, if desired, though I seldom knew good come of such conferences. She made the same pro-

position to Dr. Stillingfleet; and he gave the same answer. So a day was set, and we went thither, and found ten or twelve persons, that were not known to us. We were scarce set down, when Coleman came in, who took the whole debate upon him. I writ down a very exact account of all that passed, and sent it to them, and had their additions to it: and I printed it. The thing made a great noise, and was a new indication of Coleman's arrogance. Soon after that, the lady, who continued firm upon this conference, was possessed with new scruples about the validity of our ordinations. I got from her the paper that was put in her hand, and answered it: and she seemed satisfied with that likewise. But afterwards the uneasiness of her life prevailed more on her than her scruples did; and she changed her religion. 1676. A conference between Coleman and some divines.

Some time after I had printed the memoirs of the dukes of Hamilton, which were favourably received, the reading of these got me the acquaintance and friendship of sir William Jones, then attorney general. He was raised to that high post merely by merit, and by his being thought the greatest man of the law: for, as he was no flatterer, but a man of a morose temper, so he was against all the measures that they took at court. They were weary of him, and were raising sir John King to vie with him: but he died in his rise, which indeed went on very quick. Jones was an honest and wise man. He had a roughness in his deportment that was very disagreeable: but he was a good natured man at bottom, and a faithful friend. He grew weary of his employment, and laid it down: and though the great seal was offered him, he would not accept of it, nor I undertook to write the history of our reformation. 396

1676. return to business. The quickness of his thoughts carried his views far. And the sourness of his temper made him too apt both to suspect and to despise most of those that came to him. My way of writing history [made him think I was cut out for it[z].] And so he pressed me to undertake the history of England[a]. But Sanders's book, that was then translated into French, and cried up much in France, made all my friends [conclude I was the fittest man[b]] to answer it, by writing the history of the reformation. So now all my thoughts were turned that way. I laid out for MSS. and searched into all offices. I got for some days into the Cotton library. But duke Lauderdale, hearing of my design, and apprehending it might succeed in my hands, got Dolben, bishop of Rochester, to divert sir John Cotton from suffering me to search into his library. He told him, I was a great enemy to the prerogative, to which Cotton was devoted, even to slavery[c]. So he

[z] The editors substituted, *pleased him.*

[a] Very modest. S.

[b] *Press me* was substituted.

[c] The word *prerogative* has been much used, though seldom understood, and as little by the bishop as any. The notion the greatest men of our law have had of it, has been, that it is a power lodged in the crown for which there is no law, but not repugnant to any law. The meaning is, the execution of the law being vested in the king, and it being impossible the legislature should foresee all cases that may happen, have left a power with the chief magistrate to use his discretion upon extraordinary occasions, where the rigor of the law may prove unjust or oppressive, and to exercise the supreme authority in all cases where the law has not directed or limited the execution. But which way sir John Cotton, who was a very worthy honest gentleman, that understood and loved the constitution of his country, could be devoted, even to slavery, to the prerogative, the bishop would have done well to have produced some better proof for, than his own saying so. But I believe nobody will wonder at his being cautious how he

said, I would certainly make an ill use of all I had found. This wrought so much on him, that I was no more admitted, till my first volume was published. And then, when he saw how I had composed it, he gave me free access to it. 1676.

At this time the earl of Essex was brought over from being lord lieutenant of Ireland, whose friendship to me was afterwards such, that I think my self obliged to stop, and to give some account of him. He was the lord Capell's son. His education was neglected by reason of the war. But, when he was at man's age, he made himself master of the Latin tongue, and made a great progress in mathematics, and in all the other parts of learning. He knew our law and constitution well, and was a very thoughtful man. He began soon to appear against the court. The king imputed it to his resentments: so he resolved to make use of him. He sent him ambassador to Denmark, where his behaviour in the affair of the flag gained him much reputation: though he said to me, there was nothing in it. That king had ordered the governor of Croonenburgh to make all ships that passed strike to him. So when lord Essex was sailing by, he sent to him, either to strike to him, or to sail by in the night, or to keep out of his reach: otherwise he must shoot, first with powder, but next with ball. Lord Essex sent him a resolute answer, that the kings of England made others strike to them, but their ships struck to none: he would 397 not steal through in the dark, nor keep out of his

The earl of Essex's character.

trusted a Scotch divine in searching for English records, though neither bishop Dolben nor duke Lauderdale had interposed. D.

1676. reach: and if he shot at him, he would defend himself. The governor did shoot at him, but on design shot over him. This was thought great bravery in him: yet he reckoned, it was impossible the governor would endeavour to sink a ship that brought over an ambassador. While he was there, the king died, which made a great change in the court. For that king had made one of his servants stadtholder; which was indeed a strange thing, he himself being upon the place. He was but a mean person, and was advanced by the favour the queen bore him. Lord Essex's first business was to justify his behaviour in refusing to strike. Now at his going from England sir John Cotton had desired him to take some volumes of his library that related to Danish affairs; which he took, without apprehending that he should have great occasion to use them: but this accident made him search into them. And he found very good materials to justify his conduct; since by formal treaties it had been expressly stipulated, that the English ships of war should not strike in the Danish seas. This raised his character so high at court, that it was writ over to him, that he might expect every thing he should pretend to at his return. The change of government that he saw in Denmark, and the bringing it about with so little difficulty, made a great impression on him: since one of the freest nations in the world was on a sudden brought under a most arbitrary form of government. Many of the ancient nobility seemed uneasy under the change. And even the chancellor himself, though raised by favour from very mean beginnings, could not forbear to lament even to him the change of their constitution.

His employment in Denmark.

Upon his return from Denmark, he was made lord lieutenant of Ireland. He could never understand how he came to be raised to that post; for he had not pretended to it: and he was a violent enemy to popery; not so much from any fixed principle in religion, in which he was too loose, as because he looked on it as an invasion made on the freedom of human nature. In his government of Ireland he exceeded all that had gone before him; and is still considered as a pattern to all that come after him. He studied to understand exactly well the constitution, and interest of the nation. He read over all their council books; and made large abstracts out of them, to guide him, so as to advance every thing that had been at any time set on foot for the good of the kingdom. He made several volumes of tables of the state, and persons that were in every county and town; and got true characters of all that were capable to serve the public. And he preferred men always upon merit, without any application from themselves; and watched over all about him, that there should be no bribes going among his servants. The revenue of Ireland was then in the earl of Ranelagh's management; who was one of the ablest 398
men that island had bred, capable of all affairs, even in the midst of a loose run of pleasure, and much riot. He had the art of pleasing masters of very different tempers and interests so much, that he continued above thirty years in great posts. He had undertaken to furnish the king with money for the building of Windsor out of the revenue of Ireland. And it was believed the duchess of Portsmouth had a great yearly pension out of his office. By this means payments in Ireland were not regularly made.

1676. And his government of Ireland.

1676. So the earl of Essex complained of this. The king would not own how much he had from lord Ranelagh, but pressed lord Essex to pass his accounts. He answered, he could not pass them as accounts: but, if the king would forgive lord Ranelagh, he would pass a discharge, but not an ill account. The king was not pleased with this, nor with his exactness in that government: it reproached his own too much. So he took a resolution about this time to put the duke of Ormond in it again. Upon this occasion the earl of Essex told me, that he knew the king did often take money into his privy purse, to defraud his exchequer: for he reckoned that what was carried thither, was not so much his own, as his privy purse was. And Coventry told lord Essex, that there was once a plantation-cause at the council board: and he was troubled to see the king espouse the worst side: and upon that he went to him, and told him secretly, that it was a vile cause which he was supporting: the king answered him, he had got good money for doing it.

About this time there was a proposition made for farming the revenue of Ireland. And lord Danby seemed for some time to favour one set of men, who offered to farm it. But on the sudden he turned to another. The secret of this broke out, that he was to have great advantages by the second proposition. The matter was brought to the council table: and some were examined to it upon oath. Lord Widdrington did confess that he made offer of a round sum to lord Danby, but said that he did not accept of it. Lord Hallifax was yet of the council. So he observed that the lord treasurer had rejected that offer very mildly; but not so as to discourage a se-

cond attempt: it would be somewhat strange, if a man should ask the use of another man's wife, and if the other should indeed refuse it, but with great civility. This nettled lord Danby, who upon that got him to be dismissed from that board: at which the duke was much pleased, who hated lord Hallifax at that time, more even than the earl of Shaftsbury himself; for he had fallen severely on the declaration for toleration in the house of lords. He said, if we could make good the eastern compliment, *O king, live for ever!* he could trust the king with every thing; but since that was so much a compliment, that it could never become real, he could not be implicit in his confidence. Thus matters went on all 1676, and to the beginning of the (year) 1677, when 399 another session of parliament was held. I have brought within this year several things that may be of use to enlighten the reader as to the state of things, though perhaps of their own nature they were not important enough to deserve to be told. But in so bare a year, as this proved to be, it seemed no impertinent digression, to bring all such matters into the reader's way. 1676.

The affairs of Scotland.

I shall next give some account of Scotish affairs. The duke of Lauderdale had mastered the opposition made to him so entirely, that men were now though silent, not quiet [d]. The field conventicles increased mightily. Men came to them armed. And upon that great numbers were outlawed: and a writ was issued out, that was indeed legal, but very seldom used, called *intercommoning*: because it made

[d] Nonsense, or printer's mistake. It should be, *silent, though not quiet.* S.

1676. all that harboured such persons, or did not seize them, when they had it in their power, to be involved in the same guilt. By this means many, apprehending a severe prosecution, left their houses, and went about like a sort of banditti, and fell under a fierce and savage temper. The privy council upon this pretended they were in a state of war. And upon an old statute, that was almost quite forgot, it was set on foot, that the king had a power to take any castle that lay convenient for his forces, and put a garrison in it. So twelve houses were marked out: of which two were the chief dwelling-houses of two peers. The rest were the houses of gentlemen, that had gone into the party against duke Lauderdale. And though these were houses of no strength, and not at all properly situated for the suppressing of conventicles, yet they were taken. Soldiers were put in them. And the countries about were required to furnish those small garrisons with all things necessary. This was against the express words of the law that had lately settled the militia. Great opposition was made to it. Yet it was kept up above a year, till the houses were quite ruined by the rude soldiers, who understood that the more waste they made, it would be the more acceptable. At last it was let fall.

Another thing happened, scarce worth mentioning, if it was not for the effects that followed on it. One Carstairs, a loose and vicious gentleman[e], who had ruined his estate, undertook to Sharp to go about in disguise to see those conventicles, and to carry some with him to witness against such as

[e] Epithets well placed. S.

they saw at them; in which he himself was not to appear: but he was to have a proportion of all the fines that should be set upon this evidence: and he was to have so much for every one of their teachers that he could catch. He had many different disguises, and passed by different names in every one of them. He found Kirkton, an eminent preacher among them, who was as cautious as the rest were bold, and had avoided all suspicious and dangerous meetings. Carstairs, seeing him walking on the streets of Edenburgh, told him, there was a person that was sick, and sent him to beg a visit from him. He suspecting nothing went with him. Carstairs brought him to his own lodgings; and there he told him, he had a warrant against him, which he would execute, if he would not give him money to let him alone. Kirkton said, he had not offended, and was willing to go to prison till his innocence should appear. Carstairs really had no warrant: but, as was afterwards discovered, he had often taken this method, and had got money by it. So he went out to procure a warrant, and left Kirkton locked up in his chamber. Kirkton called to the people of the house: and told them how he was trepanned. And he got one of them to seek Baillie of Jerviswood, his brother-in-law, who was a gentleman of great parts, but of much greater virtue. [He was indeed deeply possessed with those principles, but was otherwise a most extraordinary man.] Carstairs could not find nine privy counsellors to sign a warrant, which were the number required by law. Yet when he came back, he pretended he had a warrant, and would force Kirkton to go to prison upon it. Kirkton re- 1676. 400

1676. fused to obey any such warrant, till he saw it. And upon that Carstairs struggled, and pulled him to the ground, and sate on him, the other crying out murder. At that time Baillie came to the door: and, hearing him cry out, he called to Carstairs to open the door: and, that not being done, he forced it, and found Carstairs sitting upon Kirkton. He drew his sword, and made him come off him. He then asked him, what warrant he had to use him as he did? He said, he had a warrant to carry him to prison: but he refused to shew it. Baillie offered to assist in executing it, if he had any: but he persisted in this, that he was not bound to shew it. Baillie made Kirkton to go out; and followed him, no violence being used; for which he had many witnesses, whom the noise had brought together. And he said, he was resolved to sue Carstairs for this riot. But before the next council-day a warrant was signed by nine privy counsellors, but antedated, for the committing of Kirkton, and of six or seven more of their preachers. Lord Athol told me, he was one of those who signed it with that false date to it. So Baillie was cited before the council: Carstairs produced his warrant, which he pretended he had at the time that Kirkton was in his hands, but did not think fit to shew, since that would discover the names of others, against whom he was also to make use of it. Baillie brought his witnesses to prove his behaviour. But they would not so much as examine them. It was said, that upon Carstairs saying he had a warrant, Kirkton was bound to go to gaol; and that, if it had been found that he was carried thither without a warrant, the

gaoler would not have received him. Duke Hamilton and lord Kinkardin were yet upon the council. And they argued long against this way of proceeding, as liker a court of inquisition than a legal government. Yet Baillie was fined five hundred pounds, and condemned to a year's imprisonment. And upon this an occasion was taken to turn duke Hamilton and lord Kinkardin out of the council, as enemies to the church, and as favourers of conventicles. 1676.

The parliament of England had been prorogued for about a year and some months, by two different prorogations. One of these was for more than a year. So upon that it was made a question, whether by that the parliament was not dissolved. The argument for it was laid thus. By the ancient laws a parliament was to be held *once a year, and oftener if need be:* it was said, the words, *if need be,* in one act, which were not in another that enacted an annual parliament without that addition, did not belong to the whole period, by which a session was only to be held once a year if it was needful; but belonged only to the word *oftener:* so that the law was positive for a parliament once a year: and if so, then any act contrary to that law was an unlawful act: by consequence, it could have no operation: from whence it was inferred, that the prorogation which did run beyond a year, and by consequence made that the parliament could not sit that year, was illegal; and that therefore the parliament could not sit by virtue of such an illegal act. Lord Shaftsbury laid hold on this with great joy, and he thought to work his point by it. The duke of 1677. A question raised in England about the legality of a prorogation. 401

1677. Buckingham was for every thing that would embroil matters[f]. The earl of Salisbury was brought into it, who was a high-spirited man, and had a very ill opinion of the court. Lord Wharton went also into it. And lord Hollis writ a book for it: but a fit of the gout kept him out of the way. All the rest of the party was against it. They said, it was a subtilty: and it was very dangerous to hang so much weight upon such weak grounds. The words, *if need be*, had been understood to belong to the whole act: and the long parliament did not pretend to make annual parliaments necessary, but insisted only on a triennial parliament: if there had been need of a parliament during that long prorogation, the king by proclamation might have dissolved it, and called a new one. All that knew the temper of the house of commons were much troubled at this dispute, that was like to rise on such a point. It was very certain the majority of both houses, who only could judge it, would be against it. And they thought such an attempt to force a dissolution, would make the commons do every

[f] He said in his speech on this occasion, "That ancient "statutes were not like women, "the worse for being old." "That the words of the sta- "tute were as plain as a pike- "staff." I mention these as a specimen of the style of a wit, and of him, who upon his delivering to the commons, at a conference, the lord Clarendon's apology, sent to the lords upon his withdrawing out of the kingdom, said, "the lords "desired to have it again, for "it had a style they were *in* "*love* with, and therefore de- "sired to keep it." These last words of this duke are very like his manner, and have been generally asserted to have been spoken by him, and mentioned to be so by several historians; but the words are not in the Report made by the solicitor general (Finch) of the conference. See Journal of the House of Commons of 4th December 1667. The solicitor was a grave man. O. (The duke had before called it, "This scandal- "ous and seditious paper.")

thing that the court desired. Lord Hallifax set himself much against this; and did it not without expressing great sharpness against lord Shaftsbury, who could not be managed in this matter. So, upon the first opening the session, the debate was brought on: and these lords stood against the whole house. That matter was soon decided by a question. 1677.

But then a second debate rose, which held for two days, whether these lords were not liable to censure, for offering a debate, that might create great distractions in the subjects' minds, concerning the legality of parliament. Lord Hallifax, with the rest of the party, argued against it strongly. They said, if an idle motion was made, and checked at first, he that made it might be censured for it, though it was seldom, if ever, to be practised in a free council, where every man was not bound to be wise, nor to make no impertinent motion: but when the motion was entertained, and a debate followed, and a question was put upon it, it was destructive to the freedom of public councils, to call any one to an account for it: they might with the same justice call them to an account for their debates and votes: so that no man was safe, unless he could know where the majority would be: here would be a precedent to tip down so many lords at a time, and to garboil the house, as often as any party should have a great majority. It was said, on the other hand, here was a design to put the nation into great disorder, and to bring the legality of a parliament into dispute. So it was carried to oblige them to ask pardon as delinquents: otherwise it was resolved to send them to the tower. They refused to ask pardon; and so were sent thi- 402

The lords that moved it sent to the Tower.

1677. ther. The earl of Salisbury was the first that was called on: for the duke of Buckingham went out of the house. He desired he might have his servants to wait on him: and the first he named was his cook; which the king resented highly, as carrying in it an insinuation of the worst sort. The earl of Shaftsbury made the same demand. But the lord Wharton did not ask for his cook. The duke of Buckingham came in next day; and was sent after them to the Tower. And they were ordered to continue prisoners during the pleasure of the house, or during the king's pleasure. They were much visited. So to check that, though no complaint was made of their behaviour, they were made close prisoners, not to be visited without leave from the king or the house: and particular observations were made of all those that asked leave. This was much cried out on: and the earl of Danby's long imprisonment afterwards, was thought a just retaliation for the violence with which he drove this on. Three of the lords lay in the Tower for some months: but they were set at liberty upon their petitioning the king. Lord Shaftsbury would not petition: but he moved in the king's bench that he
403 might be discharged. The king's justice, he said, was to be dispensed in that court. The court said, he was committed by an order from the house of lords, which was a court superior to them: so they could take no cognizance of the matter. Lord Danby censured this motion highly, as done in contempt of the house of lords; and said, he would make use of it against him next session of parliament. Yet he was often forced to make the same motion at that bar: and he complained of the in-

justice of the court for refusing to bail or discharge him, though in that they followed the precedent which at this time was directed by himself. 1677.

The debate about the dissolution of the parliament[g] had the effect in the house of commons that was foreseen: for the commons were much inflamed against lord Shaftsbury and his party. They at first voted 600,000*l.* for the building thirty ships: for they resolved to begin with a popular bill. A clause was put in the bill by the country party, that the money should be accounted for to the commons, in hope that the lords would alter that clause, and make it accountable to both houses; which was done by the lords, and conferences were held upon it. The lords thought, that, since they paid their share of the tax, it was not reasonable to exclude them from the accounts. The commons adhered to their clause: and the bill was in great danger of being lost. But the king prevailed with the lords to recede. An additional excise, that had been formerly given, was now falling: so they continued that for three years longer. And they were in all things so compliant, that the court had not for many Proceedings in parliament.

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

1677. years had so hopeful a session as this was. But all was changed of a sudden.

Affairs in Flanders.

The king of France was then making one of his early campaigns in Flanders; in which he at first took Valenciennes, and then divided his army in two. He with one besieged Cambray: and the other, commanded by his brother, besieged St. Omer. But, though I intend to say little of foreign affairs, yet where I came to the knowledge of particulars that I have not seen in any printed relations, I will venture to set them down. Turenne's death was a great blow to the king of France; but not to his ministers, whom he despised, and who hated him. But the king had such a personal regard to him, that they were afraid of opposing him too much. He was both the most cautious and the most obliging general that ever commanded an army. He had the art of making every man love him, except those
404 that thought they came in some competition with him: for he was apt to treat them with too much contempt. It was an extraordinary thing that a random cannon shot should have killed him[h]. He sat by the balance of his body a while on the saddle, but fell down dead in the place: and a great design he had, which probably would have been fatal to the German army, died with him. The prince of Condé was sent to command the army, to his great affliction: for this was a declaration that he was esteemed inferior to Turenne, which he could not well bear, though he was inferior to him in all that related to the command; unless it was in a day of battle, in which the presence of mind, and vivacity of thought,

[h] How extraordinary? might it not kill him as well as any other man? S.

which were wonderful in him, gave him some advantage. But he had too much pride to be so obliging as a general ought to be. And he was too much a slave to pleasure, and gamed too much, to have that constant application to his business that the other had. He was entirely lost in the king's good opinion, not only by reason of his behaviour during his minority, but after that was forgiven, once when the king was ill, not without apprehensions, he sent for him, and recommended his son to his care, in case he should die at that time. But he, instead of receiving this as a great mark of confidence, with due acknowledgments, expostulated upon the ill usage he had met with. The king recovered; but never forgot that treatment, and took all occasions to mortify him; which the ministers knew well, and seconded him in it: so that, bating the outward respect due to his birth, they treated him very hardly in all his pretensions. 1677.

The French king came down to Flanders in 76, and first took Condé, and then besieged Bouchain. The siege went on in form: and the king lay with an army covering it, when on a sudden the prince of Orange drew his army together, and went up almost to the king's camp, offering him battle. All the marshals and generals concluded that battle was to be given, and that the war would be that day ended. The king heard all this coldly. Schomberg was newly made a marshal, and had got great honour the year before against the prince of Orange, in raising the siege of Maestricht. He commanded in a quarter at some distance. The king said he would come to no resolution, till he heard his opinion. Louvoy sent for him by a confident person,

The French king declined a battle when offered by the prince of Orange.

1677. whom he ordered to tell him what had happened; and that, in any opinion he was to give, he must consider the king's person. So, when he came to
405 the king's tent, a council of war was called; and Schomberg was ordered to deliver his opinion first. He said, the king was there on design to cover the siege of Bouchain: a young general was come up on a desperate humour to offer him battle: he did not doubt, but it would be a glorious decision of the war: but the king ought to consider his own designs, and not to be led out of these by any bravado, or even by the great hope of success: the king ought to remain in his post, till the place was taken: otherwise he suffered another man to be the master of his counsels and actions. When the place was taken, then he was to come to new counsels: but till then, he thought he was to pursue his first design. The king said Schomberg was in the right: and he was applauded that day, as a better courtier than a general. I had all this from his own mouth.

To this I will add a pleasant passage, that the prince of Condé told young Rouvigny, now earl of Galway. The king of France has never yet fought a battle; and has a mighty notion of that matter: and, it seems, he apprehends the danger of it too much. Once he was chiding the prince of Conti for his being about to fight a combat with a man of quality. The king told him, he ought to consider the dignity of his blood, and not put himself on the level with other subjects; and that his uncle had declined fighting on that very account. The prince of Conti answered, My uncle might well have done so, after he had won two battles; but I, who have yet done nothing, must pretend to no such distinc-

tion. The king told this answer to the prince of Condé, who saw he was nettled with it. So he said to him, that his nephew had in that spoke like a young man: for winning of a battle was no great matter; since, though he who commanded had the glory of it, yet it was the subalterns that did the business: in which he thought he pleased the king; and for which he laughed heartily at him, when he told the story. The late king[k] told me, that in these campaigns the Spaniards were both so ignorant and so backward, so proud and yet so weak, that they would never own their feebleness or their wants to him. They pretended they had stores, when they had none; and thousands, when they scarce had hundreds. He had in their counsels often desired, that they would give him only a true state of their garrisons and magazines. But they always gave it false. So that for some campaigns all was lost, merely because they deceived him in the strength they pretended they had. At last he believed nothing they said, but sent his own officers to examine every thing. Monterey was a wise man, and a good governor, but was a coward. Villa Hermosa was a brave man, but ignorant and weak. Thus the prince had a sad time of it every campaign. But none was so unhappy as this: in which, upon the loss of Valenciennes, he looking on St. Omer as more important than Cambray, went thither, and ventured a battle too rashly. Luxembourgh, with a great body of horse, came into the duke of Orleans's army, just as they were engaging. Some regiments of marines, on whom the prince de- 1677. 406

[k] William. S.

1677. pended much, did basely run away. Yet the other bodies fought so well, that he lost not much, besides the honour of the day[1]. But upon that St. Omer did immediately capitulate, as Cambray did some days after. It was thought, that the king was jealous of the honour his brother had got in that action; for he never had the command of an army after that time: and, courage being the chief good quality that he had, it was thought his having no occasion given him to show it flowed from some particular reason.

Cambray and St. Omer taken.

The house of commons pressed the king to engage in the war.

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

[1] He was used to that. S.

them, till ships were ready for their transport. 1677.
Some, that were put in prison for conventicles, were, by order of council, delivered to their officers. The Spanish ambassador heard of this, and made great complaints upon it. So a proclamation was ordered, prohibiting any more levies. But duke Lauderdale kept it up some days, and writ down to hasten the levies away; for a proclamation was coming down against them. They were all shipped off, but had not sailed, when the proclamation came down: yet it was kept up till they sailed away. One of the ships was driven back by stress of weather: but no care was taken to execute the pro- 407
clamation. So apparently was that kingdom in a French management.

The house of commons pressed the king, by repeated addresses, to fall into the interest of Europe, as well as into his own. The king was uneasy at this, and sent them several angry messages. Peace and war, he said, were undoubtedly matters within his prerogative, in which they ought not to meddle. And the king in common discourse remembered often the parliament's engaging his father and grandfather in the affairs of Germany, and to break the match with Spain, which proved fatal to them: and he resolved not to be served in such a manner. Upon this occasion, lord Danby saw his error, of neglecting the leading men, and reckoning upon a majority, such as could be made: for these leading men did so entangle the debates, and overreached those on whom he had practised, that they, working on the aversion that the English nation naturally has to a French interest, spoiled the hopefullest session the court had had of a great while, before the

1677. court was well aware of it[m]. The king, who was yet firmly united with France, dismissed them with a very angry speech, checking them for going so far in matters that were above them, and that belonged only to him: though they brought to him many precedents in the reigns of the highest spirited of all our kings, in which parliaments had not only offered general advices, about the entering into wars, but even special ones, as to the couduct that was to be held in them. The whole nation thought it a great happiness, to see a session that lord Shaftsbury's wilfulness had, as it were, driven in to the court, end with doing so little mischief; far contrary to all men's expectations.

Danby declared against France.

When the session was over, lord Danby saw his ruin was inevitable, if he could not bring the king off from a French interest: upon which he set himself much to it. And, as he talked with an extraordinary zeal against France on all occasions, so he pressed the king much to follow the advices of his parliament. The king seemed to insist upon this, that he would once have a peace made, upon the grounds that he had concerted with France: and, when that was done, he would enter next day into the alliance. But he stood much upon this; that having once engaged with France in the war, he could not with honour turn against France till it was at an end. This was such a refining in a point of honour, which that king had not on all other occasions considered so much, that all men believed
408 there was somewhat else at the bottom. The earl of Danby continued to give, by sir William Tem-

[m] *Court, court,* rare style! S.

ple, all possible assurances to the prince of Orange, pressing him likewise to make some compliances on his side. And he gave him great hopes of bringing about a marriage with the duke's daughter; which was universally desired by all the protestant party, both at home and abroad. Great offers were made to the duke to draw him into the alliance. He was offered the command of the whole force of the allies. And he seemed to be wrought on by the prospect of so great an authority. There was a party that were still very jealous of lord Danby in all this matter. Some thought all this was artifice; that a war would be offered to the next session, only to draw money from the parliament, and thereby to raise an army; and that, when the army was raised, and much money given to support it, all would be sold to France for another great sum; and that the parliament would be brought to give the money to pay an army for some years, till the nation should be subdued to an entire compliance with the court. It was given out, that this must be the scheme by which he maintained himself in the king and the duke's confidence, even when he declared himself an open enemy to that which they were still supporting. This he did with so little decency, that at Sancroft's consecration dinner, he began a health, to the confusion of all that were not for a war with France. He got the prince of Orange to ask the king's leave to come over at the end of the campaign: with which the court of France was not pleased; for they suspected a design for the marriage. But the king assured Barillon, who was lately sent over ambassador in Courtin's place, that there was not a thought of that; and that the prince 1677.

1677. of Orange had only a mind to talk with him: and he hoped he should bring him into such measures as should produce a speedy peace.

The prince of Orange came into England.

The campaign ended unsuccessfully to the prince: for he sat down before Charleroy, but was forced to raise the siege [n]. When that was over, he came to England, and staid some time in it, talking with his two uncles about a peace. But they could not bring him up to their terms. After a fruitless stay for some weeks, he intended to go back without proposing marriage. He had no mind to be denied: and he saw no hope of succeeding, unless he would enter more entirely into his uncle's measures. Lord Danby pressed his staying a few days longer, and that the management of that matter might be left to him [o]. So next Monday morning, after he had taken care, by all his creatures about the king, to
409 put him in a very good humour, he came to the king, and told him he had received letters from all the best friends his majesty had in England, and shewed a bundle of them; (in which he was pretty sure the king would not trouble himself to read them; probably they were written as he had di-

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

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

rected.) They all agreed, he said, in the same advice, that the king should make a marriage between the prince of Orange and the duke's daughter: for they all believed he came over on that account: and, if he went away without it, nobody would doubt but that he had proposed it, and had been denied. Upon which the parliament would certainly make addresses to the king for it. And if the marriage was made upon that, the king would lose the grace and thanks of it: but if it was still denied, even after the addresses of both houses, it would raise jealousies that might have very ill consequences. Whereas, if the king did it of his own motion, he would have the honour of it: and, by so doing, he would bring the prince into a greater dependance on himself, and beget in the nation such a good opinion of him, as would lay a foundation for a mutual confidence. This he enforced with all the topics he could think on. The king said, the prince had not so much as proposed it: lord Danby owned he had spoke of it to himself; and said, that his not moving it to the king was only because he apprehended he was not like to succeed in it. The king said next, My brother will never consent to it. Lord Danby answered, Perhaps not, unless the king took it upon him to command it: and he thought it was the duke's interest to have it done, even more than the king's: all people were now possessed of his being a papist, and were very apprehensive of it: but if they saw his daughter given to one that was at the head of the protestant interest, it would very much soften those apprehensions, when it did appear that his religion was only a personal thing, not to be derived to his children after him. With all 1677.

1677. this the king was convinced[p]. So he sent for the duke, lord Danby staying still with him. When the duke came, the king told him he had sent for him, to desire he would consent to a thing that he was sure was as much for his interest, as it was for his own quiet and satisfaction. The duke, without asking what it was, said, he would be ready always to comply with the king's pleasure in every thing. So the king left it to the lord Danby to say over all he had said on that head to himself. The duke seemed much concerned. But the king said to him, Brother, I desire it of you for my sake, as well as your own: and upon that the duke consented to it. So lord Danby sent immediately for the prince, and in the king's name ordered a council to be presently summoned. Upon the prince's coming, the king, in a very obliging way, said to him, Nephew, it is not good for man to be alone, I will give you a help meet for you: and so he told him he would bestow his niece on him. And the duke, with a seeming heartiness, gave his consent in very obliging terms: the king adding, Nephew, remember that love and war do not agree well together. In the mean while the news of the intended marriage went over the court and town. All, except the French and the popish party, were much pleased with it. Barillon was amazed. He went to the duchess of Portsmouth; and got her to send all her creatures to desire to speak to the king: she writ him likewise several billets to the same purpose. But lord Danby had ordered the council to be called: and he took care, that neither the king nor the duke should be

He married the duke's daughter.

[p] Then how was the king for bringing in popery? S.

spoke to, till the matter was declared in council. 1677.
And when that was done, the king presented the prince to the young lady, as the person he designed should be her husband. When Barillon saw it was gone so far, he sent a courier to the court of France with the news: upon whose arrival Mountague, that was then our ambassador there, was sent for. When he came to Versailles, he saw the king the most moved that he had ever observed him to be. He asked him, when was the marriage to be made? Mountague understood not what he meant. So he explained all to him. Mountague protested to him, that he knew nothing of the whole matter. That king said, he always believed the journey would end in this: and he seemed to think that our court had now forsaken him. He spoke of the king's part in it more decently; but expostulated severely on the duke's part, who had now given his daughter to the greatest enemy he had in the world. To all this Mountague had no answer to make. But next night he had a courier with letters from the king, the duke, and the prince, to the king of France. The prince had no mind to this piece of courtship: but his uncle obliged him to it, as a civility due to kindred and blood. The king assured the king of France, that he had made the match on design to engage the prince to be more tractable in the treaty, that was now going on at Nimeguen. The king of France received these letters civilly; but did not seem much satisfied with them. Mountague was called over soon after this, to get new instructions. And lord Danby asked him how the king of France received the news of the marriage. He answered, 411
As he would have done the loss of an army; and that

1677. he had spoke very hardly of the duke, for consenting to it, and not at least acquainting him with it. Lord Danby answered, he wronged him; for he did not know of it an hour before it was published, and the king himself not above two hours. All this relation I had from Mountague himself[q]. It was a masterpiece indeed, and the chief thing in the earl of Danby's ministry, for which the duke never forgave him.

1678. Upon the general satisfaction that this marriage gave the whole nation, a new session of parliament was called in the beginning of the year 78: to which the king declared the sense he had of the dangerous state their neighbours were in, and that it was necessary he should be put in a posture to bring things to a balance. So the house was pressed to supply the king in so plentiful a manner as the occasion did require. The court asked money, both for an army and a fleet. Sir William Coventry shewed the great inconvenience of raising a land army, the danger that might follow on it, the little use could be made of it, and the great charge it must put the nation to: he was for hiring bodies from the German princes, and for assisting the Dutch with money: and he moved to recall our troops from France, and to employ them in the Dutch service: he thought, that which did more properly belong to England, was to set out a great fleet, and to cut off the French trade every where; for they were then very high in their manufactures and trade; their people were in-

[q] But see sir William Temple's Memoirs and Letters, in which the account of all this transaction varies in many particulars from what is here said. O.

genious as well as industrious; they wrought hard, 1678.
and lived low; so they sold cheaper than others could do; and it was found, that we sent very near a million of our money in specie every year for the balance of our trade with them. But the king had promised so many commissions to men of quality in both houses, that this carried it for a land army. It was said, what hazard could there be from an army commanded by men of estates, as this was to be[r]? A severe act passed, prohibiting all importation of the French manufactures or growth for three years, and to the next session of parliament after that. This was made as strict as was possible: and for a year after it was well looked to. But the merchants found ways to evade it: and the court was too much French, not to connive at the breach of it. In the preamble of this act it was set forth, that we were in an actual war with France. This was excepted to, as not true in fact. But the ministry affirmed we were already engaged so far with the allies, that it was really a war, and that our troops were al- 412
ready called from France. Coventry[s] in some heat said, the king was engaged, and he would rather be guilty of the murder of forty men, than to do any thing to retard the progress of the war. The oddness of the expression made it to be often objected afterwards to him. A poll bill was granted, together with the continuance of the additional customs, that were near falling off. Six hundred thousand pound

Supplies given towards the war.

[r] It is a slender security; but it is all we have upon such occasions, when kings and ministers are not to be trusted: and how few are they who may be trusted with the power of an army, in mixed governments? O.

[s] Mr. H. Coventry. O.

1678. was also given for a land army, and for a fleet. All the court party magnified the design of raising an army. They said, the employing hired troops was neither honourable nor safe. The Spaniards were willing to put Ostend and Newport in our hands: and we could not be answerable for these places, if they were not kept by our own people.

The French take Ghent. At this time the king of France made a step that struck terror into the Dutch, and inflamed the English out of measure. Louvoy till then was rather his father's assistant, than a minister upon his own foot. He at this time gained the credit with the king, which he maintained so long afterwards. He proposed to him the taking of Ghent; and thought that the king's getting into such a place, so near the Dutch, would immediately dispose them to a peace. But it was not easy to bring their army so soon about it, without being observed: so the execution seemed impossible. He therefore laid such a scheme of marches and countermarches, as did amuse all the allies. Sometimes the design seemed to be on the Rhine: sometimes on Luxemburgh. And while their forces were sent to defend those places, where they apprehended the design was laid, and that none of the French generals themselves did apprehend what the true design was, all on the sudden Ghent was invested: and both town and citadel were quickly taken. This was Louvoy's masterpiece. And it had the intended effect. It brought the Dutch to resolve on a peace. The French king might have taken Bruges, Ostend, and Newport. But he only took Ypres; for he had no mind to provoke the English. He was sure of his point by the

fright this put the Dutch in. We were much alarmed at it. And the duke of Monmouth was immediately sent over with some of the guards. 1678.

But the parliament grew jealous, as they had great cause given them, both by what was then doing in Scotland, and by the management they observed at court. And now I must look northward to a very extraordinary scene that opened there. Duke Lauderdale and his duchess went to Scotland the former year. Her design was to marry her daughters into two of the great families of Scotland, Argile and Murray, which she did. But, things being then in great disorder, by reason of the numbers and desperate tempers of those who were intercommoned, Sharp pretended, he was in great danger of his life; and that the rather, because the person that had made the attempt on him was let live still. Upon this I must tell what had passed three years before this. Sharp had observed a man that kept shop at his door, who looked very narrowly at him always as he passed by: and he fancied he was the man that had shot at him six years before. So he ordered him to be taken up, and examined. It was found he had two pistols by him, that were deeply charged, which increased the suspicion. Yet the man denied all. But Sharp got a friend of his to go to him, and deal with him to make a full confession: and he made solemn promises that he would procure his pardon. His friend answered, he hoped he did not intend to make use of him to trepan a man to his ruin. Upon that, with lifted up hands, Sharp promised by the living God, that no hurt should come to him, if he made a full discovery[t]. The

The affairs of Scotland.

413

Mitchell's trial.

[t] Malice. S.

1678. person came again to him, and said, if a promise was made in the king's name, the prisoner would tell all. So it was brought before the council. Lord Rothes, Halton, and Primerose were ordered to examine him. Primerose said, it would be a strange force of eloquence, to persuade a man to confess, and be hanged. So duke Lauderdale, being the king's commissioner, gave them power to promise him his life. And as soon as these lords told him this, he immediately kneeled down, and confessed the fact, and told the whole manner of it. There was but one person privy to it, who was then dead. Sharp was troubled to see so small a discovery made: yet they could not draw more from him. So then it was considered what should be done to him. Some moved the cutting off his right hand. Others said, he might learn to practise with his left hand, and to take his revenge; therefore they thought both hands should be cut off. Lord Rothes, who was a pleasant man, said, How shall he wipe his breech then? This is not very decent to be mentioned in such a work, if it were not necessary [u]; for when the truth of the promise now given was afterwards called in question, this jest was called to mind, and made the whole matter to be remembered. But Primerose moved, that since life was promised, which the cutting off a limb might endanger, it was better to keep him prisoner during life in a castle they had in the Bass, a rock in the mouth of the Frith: and thither he was sent. But it was thought necessary to make him repeat his confession in a court of judicature: so he was brought into the justiciary court,

[u] As decent as a thousand other passages; so he might have spared his apology. S.

upon an indictment for the crime, to which it was expected he should plead guilty. But the judge, who hated Sharp, as he went up to the bench, passing by the prisoner, said to him, Confess nothing, unless you are sure of your limbs as well as of your life [x]. Upon this hint, he, apprehending the danger, refused to confess: which being reported to the council, an act was passed mentioning the promise and his confession, and adding, that since he had retracted his confession, they likewise recalled the promise of pardon: the meaning of which was this, that, if any other evidence was brought against him, the promise should not cover him: but it still was understood, that this promise secured him from any ill effect by his own confession. The thing was almost forgot after four years, the man being in all respects very inconsiderable. But now Sharp would have his life. So duke Lauderdale gave way to it: and he was brought to Edenburgh in order to his trial. Nisbit, who had been the king's advocate, and was one of the worthiest and learnedest men of the age, was turned out: and Mackenzie was put in his place, who was a man of much life and wit, but he was neither equal nor correct in it: he has published many books, some of law, but all full of faults; for he was a slight and superficial man [y]. Lockhart was assigned counsel for the prisoner. And now that the matter came again into people's memory, all were amazed at the proceeding. Primerose was turned out of the place of lord register, and was made justice general. He [was a man of most exquisite malice, and was too much pleased with the 1678. 414

[x] A rare judge. S.

[y] Envious and base. S.

1678. thoughts, that the greatest enemies he had were to appear before him, and to perjure themselves in his court: yet he] fancied orders had been given to raze the act that the council had made: so he turned the books, and he found the act still on record. He took a copy of it, and sent it to Mitchell's counsel: that was the prisoner's name. And, a day or two before the trial, he went to duke Lauderdale, who, together with Sharp, lord Rothes, and lord Halton, were summoned as the prisoner's witnesses. He told him, many thought there had been a promise of life given. Duke Lauderdale denied it stiffly. Primerose said, he heard there was an act of council made about it, and he wished that might be looked into. Duke Lauderdale said, he was sure it was not possible, and he would not give himself the trouble to turn over the books of council. Primerose, who told me this, said his conscience led him to give duke Lauderdale this warning of the matter, but that he was not sorry to see him thus reject it: [and upon it he said within himself, "I have you now."] The trial was very solemn. The confession was brought against him, as full evidence: to which Lockhart did plead, to the admiration of all, to shew that no extrajudicial confession could be allowed in a court. The hardships of a prison, the hopes of life, with other practices, might draw confessions from men, when they were perhaps drunk, or out of
415 their senses. He brought upon this a measure of learning, that amazed the audience, out of the lawyers of all civilized nations. And, when it was opposed to this, that the council was a court of judicature, he shewed, that it was not the proper court for crimes of this nature, and that it had not proceeded

in this as a court of judicature. And he brought out likewise a great deal of learning upon those heads. But this was overruled by the court, and the confession was found to be judicial. The next thing pleaded for him was, that it was drawn from him upon hope and promise of life: and to this Sharp was examined. The person he had sent to Mitchell gave a full evidence of the promises he had made him: but Sharp denied them all. He also denied he heard any promise of life made him by the council: so did the lords Lauderdale, Rothes, and Halton, to the astonishment of all that were present. Lockhart upon that produced a copy of the act of council, that made express mention of the promise given, and of his having confessed upon that. And the prisoner prayed that the books of council, which lay in a room over that in which the court sat, might be sent for. Lockhart pleaded, that since the court had judged that the council was a judicature, all people had a right to search into their registers; and the prisoner, who was like to suffer by a confession made there, ought to have the benefit of those books. Duke Lauderdale, who was in the court only as a witness, and so had no right to speak, stood up, and said, he and those other noble persons were not brought thither to be accused of perjury; and added, that the books of council were the king's secrets, and that no court should have the perusing of them. The court was terrified with this, and the judges were divided in opinion. Primerose, and one other, was for calling for the books. But three were of opinion, that they were not to furnish the prisoner with evidence, but to judge of that which he brought. And here was 1678.

1678. only a bare copy, not attested upon oath, which ought not to have been read. So, this defence being rejected, he was cast and condemned.

And condemnation. As soon as the court broke up, the lords went up stairs, and to their shame found the act recorded, and signed by lord Rothes, as president of the council. He pretended, he signed every thing that the clerk of council put in the book without reading it. And it was intended to throw it on him. But he, to clear himself, searched among his papers, and found a draught of the act in Nisbit's hand. So, he being rich, and one they had turned out, they resolved to put it upon him, and to fine him deeply.

416 But he examined the *sederunt* in the book, and spoke to all who were there at the board, of whom nine happened to be in town, who were ready to depose upon oath, that when the council had ordered this act to be drawn, the clerk of the council desired the help of the king's advocate in penning it, which he gave him; and his draught was approved by the council. And now lord Rothes's jest was remembered. Yet duke Lauderdale still stood to it, that the promise could only be for interceding with the king for his pardon, since the council had not the power of pardoning in them. Lord Kincardin acted in this the part of a Christian to an enemy. Duke Lauderdale had writ to him, he being then serving for him at court, that he referred the account of Mitchell's business to his brother's letters; in which the matter was truly related, that upon promise of life he had confessed the fact; and he concluded, desiring him to ask the king, that he would be pleased to make good the promise. These letters I saw in lord Kincardin's hand. Before the trial, he sent a

bishop to duke Lauderdale, desiring him to consider better of that matter, before he would upon oath deny it: for he was sure he had it under his and his brother's hand, though he could not yet fall upon their letters. But duke Lauderdale despised this. Yet, before the execution, he went to his house in the country, and there found the letters, and brought them in with him, and shewed them to that bishop. All this made some impression on duke Lauderdale: and he was willing to grant a reprieve, and to refer the matter to the king. So a petition was offered to the council: and he spoke for it. But Sharp said, that was upon the matter the exposing his person to any man that would attempt to murder him, since favour was to be shewed to such an assassin. Then said duke Lauderdale, in an impious jest, Let Mitchell glorify God in the Grass Market, which was the place where he was to be hanged[z]. This action, and all concerned in it, were looked at by all people with horror. And it was such a complication of treachery, perjury, and cruelty, as the like had not perhaps been known. Yet duke Lauderdale had a chaplain, Hickes, afterwards dean of Worcester[a], who published a false and partial relation of this matter, in order to the justifying of it. [He was afterwards turned out for not taking the oaths to the 1678.

[z] (According to Higgons, upon Mitchell's examination, he being asked what induced him to make so wicked an attempt upon the person of the archbishop, replied, that he did it for the glory of the Lord; for this reason afterward, when it was resolved to hang him, the duke said, Let Mitchell glorify God in the Grass Market. Bevill Higgons's Remarks, p. 206. Salmon in p. 762 of his Examination of Burnet's Hist. relates, but without mentioning his authority, that the archbishop moved in council to have the assassin reprieved. See more below, relative to this unhappy business, p. 514.)

[a] A learned, pious man. S.

1678. late king.] Primerose not only gave me an account of this matter, but sent me an authentic record of the trial, every page signed by the clerk of the court; of which I have here given an abstract. This I set down the more fully, to let my readers see to what a height in wickedness men may be carried, after they have once thrown off good principles. What Sharp did now to preserve himself from such practices, was probably that which, both in the just
417 judgment of God, and the inflamed fury of wicked men, brought him two years after to such a dismal end. [Primerose did most inhumanly triumph in this matter, and said it was the greatest glory of his life, that the four greatest enemies he had should come and consign the damnation of their souls in his hands: I told him, that was an expression fitter for a devil than a Christian. The poor creature died more pitied than could have been imagined.]

This made way to more desperate undertakings. Conventicles grew in the west to a very unsufferable pitch: they had generally with them a troop of armed and desperate men, that drew up and sent parties out to secure them. Duke Lauderdale upon this threatened he would extirpate them, and ruin the whole country, if a stop was not put to those meetings. The chief men of those parts upon that went into Edenburgh; they offered to guard and assist any that should be sent to execute the laws against all offenders; and offered to leave some as hostages, who should be bound body for body for their security: they confessed there were many conventicles held among them in a most scandalous manner: but, though they met in the fields, and many of them were armed, yet, when their sermons

were done, they dispersed themselves: and there was no violent opposition made at any time to the execution of the law: so, they said, there was no danger of the public peace of the country. Those conventicling people were become very giddy and furious: and some hot and hair-brained young preachers had the chief following among them, who infused wild principles in them, which were disowned by the chief men of the party. The truth was, the country was in a great distraction: and that was chiefly occasioned by the strange administration they were then under. Many grew weary of their country, and even of their lives. If duke Lauderdale, or any of his party, brought a complaint against any of the other side, how false or frivolous soever, they were summoned upon it to appear before the council, as sowers of sedition, and as men that spread lies of the government: and upon the slightest pretences they were fined and imprisoned. When very illegal things were to be done, the common method was this: a letter was drawn for it to be signed by the king, directing it upon some colour of law or ancient practice: the king signed whatsoever was thus sent to him: and when his letter was read in council, if any of the lawyers or others of the board offered to object to it, he was brow-beaten, as a man that opposed the king's service, and refused to obey his orders. And by these means things were driven to great extremities. 1678.

The administration there grew very violent and illegal.

Upon one of those letters, a new motion was set on foot, that went beyond all that had been yet made. All the landlords in the western counties were required to enter into bonds for themselves, their wives, children, servants, tenants, and all that lived

1678. upon their estates, that they should not go to conventicles, nor harbour any vagrant teachers, or any
418 intercommuned persons; and that they should live in all points according to law under the penalties of the laws. This was generally refused by them: they said, the law did not impose it on them: they could not be answerable for their servants, much less for their tenants: this put it in the power of every servant or tenant to ruin them. Upon their refusing this, duke Lauderdale writ to the king, that the country was in a state of rebellion, and that it was necessary to proceed to hostilities for reducing them. So by a letter, such as he sent up, the king left it to him and the council to take care of the public peace in the best way they could.

An army of Highlanders sent to the west upon free quarter.

Upon this, all the force the king had was sent into the west country, with some cannon, as if it had been for some dangerous expedition: and letters were writ to the lords in the Highlands, to send all the strength they could to assist the king's army. The marquess of Athol, to shew his greatness, sent 2400 men. The earl of Braidalbin sent 1700. And, in all, 8000 men were brought into the country, and let loose upon free quarter. A committee of council was sent to give necessary orders. Here was an army. But no enemy appeared. The Highlanders were very unruly, and stole and robbed every where. The gentlemen of the country were required to deliver up their arms upon oath, and to keep no horse above four pound price. The gentlemen looked on, and would do nothing. This put duke Lauderdale in such a phrensy, that at council table he made bare his arms above his elbow, and swore by Jehovah he would make them enter into those bonds. Duke

Hamilton, and others, who were vexed to see such waste made on their estates, in ploughing time especially, came to Edenburgh to try if it was possible to mollify him. But a proclamation was issued out, requiring all the inhabitants of those counties to go to their houses, to be assistant to the king's host, and to obey such orders as should be sent them. And by another proclamation, all men were forbidden to go out of the kingdom without leave from the council, on pretence that their stay was necessary for the king's service. These things seemed done on design to force a rebellion; which they thought would be soon quashed, and would give a good colour for keeping up an army. And duke Lauderdale's party depended so much on this, that they began to divide in their hopes the confiscated estates among them: so that on Valentine's day, instead of drawing mistresses, they drew estates. And great joy appeared in their looks upon a false alarm that was brought them of an insurrection: and they were as much dejected, when they knew it was false. It was happy for the public peace, that the people were 419
universally possessed with this opinion: for when they saw a rebellion was desired, they bore the present oppression more quietly, than perhaps they would have done, if it had not been for that. All the chief men of the country were summoned before the committee of council, and charged with a great many crimes, of which they were required to purge themselves by oath: otherwise they would hold them guilty, and proceed against them as such. It was in vain to pretend, that this was against all law, and was the practice only of the courts of inquisition. Yet the gentlemen, being thus forced to it, did purge

1678.

1678. themselves by oath. And, after all the inquiries that were made, there did not appear one single circumstance to prove that any rebellion was intended. And, when all other things failed so evidently, recourse was had to a writ, which man who suspects another of ill designs towards him may serve him with; and it was called law-boroughs, as most used in boroughs. This lay against a whole family: the master was answerable, if any one of his household broke it. So, by a new practice, this writ was served upon the whole country at the king's suit. And, upon serving the writ, security was to be given, much like the binding men to their good behaviour. Many were put in prison for refusing to give this security.

Many of the nobility came up to complain to the king.

Duke Hamilton had intimation sent him, that it was designed to serve this on him. So he, and ten or twelve of the nobility, with about fifty gentlemen of quality, came up to complain of all this; which looked like French, or rather like Turkish, government. The lords of Athol and Perth, who had been two of the committee of council, and had now fallen off from duke Lauderdale, came up with them to give the king an account of the whole progress of this matter. The clamour this made was so high, that duke Lauderdale saw he could not stand under it. So the Highlanders were sent home, after they had wasted the country near two months. And he magnified this as an act of his compassion, that they were so soon dismissed. Indeed all his own party were against him in it. Lord Argile sent none of his men down with the other Highlanders. And lord Stairs pretended that by a fall his hand was out of joint: so he signed none of these wild orders.

When the Scotish nobility came to London, the king would not see them, because they were come out of the kingdom in contempt of a proclamation; though they said, that proclamation, being intended to hinder them from bringing their complaints to the king, was one of their greatest grievances. But it was answered, they ought to have asked leave: and, if it had been denied them, they were next to have asked the king's leave; and the king insisted still on this. Only he saw the lords of Athol and Perth. The madness of this proceeding made him conclude, that duke Lauderdale's head was turned. Yet he would not disown, much less punish him for what he had done. But he intended to put Scotland in another management, and to set the duke of Monmouth at the head of it. So he suffered him to go to the Scotish lords, and be their intercessor with him. They were all much charmed with the softness of his temper and behaviour. But, though he assured them the king would put their affairs in other hands, they looked on that as one of the king's artifices to get rid of them. The matter made great noise: and it was in the time of the session of parliament here. And all people said, that by the management in Scotland it appeared what was the spirit of the government; and what would be done here, as soon as the designs of the court were brought to a greater perfection. The earl of Danby, by supporting duke Lauderdale, heightened the prejudices that himself lay under. The duke did also justify his conduct; which raised higher jealousies of him, as being pleased with that method of government. The chief of the Scotish nobility were heard before the cabinet council. And the

1678. But the king would not see them.

1678. earl of Nottingham held them chiefly to the point of coming out of the kingdom in the face of a proclamation. They said, such proclamations were anciently legal, when we had a king of our own among ourselves: but now it was manifestly against law, since it barred them from access to the king, which was a right that was never to be denied them. Lord Nottingham objected next to them a practice of making the heads of the families or clans in the Highlands to bind for their whole name; and why, by a parity of reason, might they not be required to bind for their tenants? It was answered, that anciently estates were let so low, that service and the following the landlords was instead of a rent; and then, in the inroads that were made into England, landlords were required to bring their tenants along with them: but now lands were let at rack: and so an end was put to that service: in the Highlands the feuds among the families were still so high, that every name came under such a dependance on the head or chief of it for their own security, that he was really the master of them all, and so might be bound for them: but even this was only to restrain depredations and murders: and it was an unheard of stretch, to oblige men to be bound for others in matters of religion and conscience, whether real or pretended.

421 The whole matter was at that time let fall. And duke Lauderdale took advantage from their absence to desire leave from the king to summon a convention of estates; from whom he might more certainly understand the sense of the whole kingdom. And, what by corrupting the nobility, what by carrying elections, or at least disputes about them, which would be judged as the majority should happen to

A convention of estates gives money, and justifies the administration.

be at first, he hoped to carry his point. So he issued out the writs while they were at London, knowing nothing of the design. And these being returnable in three weeks, he laid the matter so, that before they could get home, all the elections were over: and he was master of above four parts in five of that assembly. So they granted an assessment for three years, in order to the maintaining a greater force. And they wrote a letter to the king, not only justifying, but highly magnifying, duke Lauderdale's government. This was so base and so abject a thing, that it brought the whole nation under great contempt. 1678.

Affairs in England.

And thus I leave the affairs of Scotland, which had a very ill influence on the minds of the English; chiefly on the house of commons then sitting, who upon it made a new address against duke Lauderdale. And that was followed by another of a higher strain, representing to the king the ill effects of his not hearkening to their address the former year with relation to foreign affairs; and desiring him to change his ministry, and to dismiss all those that had advised the prorogation at that time, and his delaying so long to assist the allies. This was carried only by a small majority of two or three. So lord Danby brought up all his creatures, the aged and infirm not excepted: and then the majority lay the other way: and by short adjournments the parliament was kept sitting till Midsummer. Once lord Danby, thinking he had a clear majority, got the king to send a message to the house, desiring an additional revenue of 300,000*l.* during life. This set the house all in a flame. It was said, here was no demand for a war, but for a revenue, which would

The house of commons grew jealous of the court.

1678. furnish the court so well, that there would be no more need of parliaments. The court party thought such a gift as this would make them useless. So the thing was upon one debate rejected without a division. Lord Danby was much censured for this rash attempt, which discovered the designs of the court too barefacedly. At the same time he ordered Mountague to treat with the court of France for a peace, in case they would engage to pay the king 300,000*l.* a year for three years. So, when that came afterwards to be known, it was then generally believed, that the design was to keep up and model the army now raised, reckoning there would be money enough to pay them till the nation should be
422 brought under a military government. And the opinion of this prevailed so, that lord Danby became the most hated minister that had ever been about the king. All people said now, they saw the secret of that high favour he had been so long in, and the black designs that he was contriving. At this time expresses went very quick between England and France: and the state of foreign affairs varied every post. So that it was visible we were in a secret negotiation: of which Temple has given so particular an account, that I refer my reader wholly to him. But I shall add one particular, that he has not mentioned: Mountague, who was a man of pleasure[b], was in an intrigue with the duchess of Cleveland, who was quite cast off by the king, and was then

[b] His brother, Edward Montague, had been chamberlain to the queen, who asked the king, (having never had an admirer before nor after,) what people meant by squeezing one by the hand; the king told her, love; then said she, Mr. Montague loves me mightily. Upon which he was turned out. D.

at Paris. The king had ordered him to find out an astrologer, of whom it was no wonder he had a good opinion; for he had, long before his restoration, foretold he should enter London on the 29th of May, 60. He was yet alive, and Mountague found him; and saw he was capable of being corrupted. So he resolved to prompt him, to send the king such hints as should serve his own ends. And he was so bewitched with the duchess of Cleveland, that he trusted her with this secret. But she, growing jealous of a new amour, took all the ways she could think on to ruin him, reserving this of the astrologer for her last shift[c]. And by it she compassed her ends: for Mountague was entirely lost upon it with the king, and came over without being recalled. The earl of Sunderland was sent ambassador in his room. 1678.

Affairs abroad.

The treaty went on at Nimeguen, where Temple and Jenkins were our plenipotentiaries. The States were resolved to have a peace. The prince of Orange did all he could to hinder it. But De Wit's party began to gather strength again. And they infused a jealousy in all people, that the prince intended to keep up the war for his own ends. A peace might be now had by restoring all that belonged to the States, and by a tolerable barrier in Flanders. It is true, the great difficulty was concerning their allies, the king of Denmark, and the elector of Brandenburgh; who had fallen on the Swede, upon the king's declaring for France, and had beat him out

[c] (The letter from the duchess of Cleveland to the king, containing her charge against Mountague, and which is shockingly disgraceful to all the parties concerned, has been published by Harris, at the end of his life of Charles II.)

1678. of Germany. No peace could be had, unless the Swede was restored. Those princes who had been quite exhausted by that war, would not consent to this. So they, who had adhered so faithfully to the States in their extremity, pressed them to stick by them. And this was the prince of Orange's constant topic: how could they expect any of their allies should stick to them, if they now forsook such faithful friends? But nothing could prevail. It was given out in Holland, that they could not depend on England, that court being so entirely in a French interest, that they suspected they would, as they had
423 once done, sell them again to the French. And this was believed to be let out by the French ministers themselves, who, to come at their ends, were apt enough to give up even those who sacrificed every thing to them. It was said, the court of France would consider both Denmark and Brandenburgh, and repay the charge of the war against Sweden. This, it was said, was to force those princes into a dependance on France, who would not continue those payments so much for past as for future services. In the mean while the French had blocked up Mons. So the prince of Orange went to force them from their posts. Luxemburgh commanded there, and seemed to be in full hope of a peace, when the prince came and attacked him. And, notwithstanding the advantage of his situation, it appeared how much the Dutch army was now superior to the French, for they beat them out of several posts. The prince had no order to stop. He indeed knew that the peace was upon the matter concluded. But no intimation was yet made to him. So it was lawful for him to take all advantages. And he was not

apprehensive of a new embroilment, but rather wished it. The French treasure was so exhausted, and their king was so weary of the war, that no notice was taken of the business of Mons. The treaty at Nimeguen was finished, and ratified[d]. Yet new difficulties arose, upon the French king's refusing to evacuate the places that were to be restored till the Swede was restored to all his dominions. Upon this the English struck in again: and the king talked so high, as if he would engage anew in the war. But the French prevented that, and did evacuate the places. And then they got Denmark and Brandenburgh into their dependance, under the pretence of repaying the charge of the war. But it was more truly, the engaging them into the interests of France by great pensions. So a general peace quickly followed. And there was no more occasion for our troops beyond sea. The French were so apprehensive of them, that Rouvigny, now earl of Galway, was sent over to negotiate matters. That which France insisted most on, was the disbanding the army. And the force of money was so strong, that he had orders to offer six millions of their money, in case the army should be disbanded in August. Rouvigny had such an ill opinion of the designs of our court, if the army was kept up, that he insisted on fixing the day for disbanding it; at which the duke was very uneasy. And matters were so managed, that the army was not disbanded by the day 1678.

[d] (In a MS. of lord Shaftsbury's, he says, "That England "got neither honour nor pro- "fit by the peace of Nimeguen; "and that France broke all her "enemies more effectually by "that peace, than she could "have done by her armies in "war.")

1678. prefixed for it. So the king of France saved his money. And for this piece of good management Rouvigny was much commended. The troops were brought into England, and kept up, under the pretence that there was not money to pay them off. So all people looked on the next session as very critical.

424 The party against the court gave all for lost. They believed the lord Danby, who had so often brought his party to be very near the majority, would now lay matters so well as to be sure to carry the session. And many did so despair of being able to balance his numbers, that they resolved to come up no more, and reckoned that all opposition would be fruitless, and serve only to expose themselves to the fury of the court. But of a sudden an unlooked for accident changed all their measures, and put the kingdom into so great a fermentation, that it well deserves to be opened very particularly. I am so well instructed in all the steps of it, that I am more capable to give a full account of it than any man I know. And I will do it so impartially, that no party shall have cause to censure me for concealing or altering the truth in any one instance. It is the history of that called the popish plot.

The popish plot.

Three days before Michaelmas Dr. Tonge came to me. I had known him at Sir Robert Murray's. He was a gardener and a chymist, and was full of projects and notions. He had got some credit in Cromwell's time: and that kept him poor. He was a very mean divine, and seemed credulous and simple. But I had always looked on him as a sincere man. At this time he told me of strange designs against the king's person; and that Coniers, a Benedictine, had provided himself of a poniard, with which he

undertook to kill him. I was amazed at all this; 1678.
and did not know whether he was crazed, or had come to me on design to involve me in a concealing of treason. So I went to Dr. Lloyd, and sent him to the secretary's office with an account of that discourse of Tonge's, since I would not be guilty of misprision of treason. He found at the office, that Tonge was making discoveries there; of which they made no other account, but that he intended to get himself to be made a dean. I told this next morning to Littleton and Powel. And they looked on it as a design of lord Danby's, to be laid before the next session, thereby to dispose them to keep up a greater force, since the papists were plotting against the king's life: this would put an end to all jealousies of the king, now the papists were conspiring against his life. But lord Hallifax, when I told him of it, had another apprehension of it. He said, considering the suspicions all people had of the duke's religion, he believed every discovery of that sort would raise a flame, which the court would not be able to manage.

Oates's character.

The day after that, Titus Oates was brought before the council. He was the son of an anabaptist teacher, who afterwards conformed, and got into orders, and took a benefice, as this his son did. He was proud and ill natured, haughty, but ignorant. He [conversed much with Socinians, and he] had been complained of for some very indecent expressions concerning the mysteries of the Christian reli- 425
gion. He was once presented for perjury. But he got to be a chaplain in one of the king's ships, from which he was dismissed upon complaint of some un-

1678. natural practices, not to be named[e]. He got a qualification from the duke of Norfolk as one of his chaplains: and there he fell into much discourse with the priests that were about that family. He seemed inclined to be instructed in the popish religion. One Hutchinson, a Jesuit, had that work put on him. He was a weak and light-headed man, and afterwards came over to the church of England. Hutchinson was a curate about the city near a year, and came oft to me, and preached once for me. He seemed to be a sincere, devout man, who did not at all love the order, for he found they were a deceitful and meddling sort of people. They never trusted him with any secrets, but employed him wholly in making converts. He went afterwards back to that church. So all this was thought a juggle only to cast an odium upon Oates. He told me, that Oates and they were always in ill terms. They did not allow Oates above ninepence a day, of which he complained much. And Hutchinson relieved him often. They wished they could be well rid of him; and sent him beyond sea, being in very ill terms with him. This made Hutchinson conclude, that they had not at that time trusted Oates with their secrets. Oates was kept for some time at St. Omer's; and from thence sent through France into Spain; and was now returned into England. He had been long acquainted with Tonge; and made his first discovery to him. And he, by the means of one Kirby, a chymist, that was sometimes in the king's laboratory, signified the thing to the king. So Tonge had

[e] Only sodomy. S.

an audience; and told the king a long thread of many passages, all tending to the taking away his life; which the king, as he afterwards told me, knew not what to make of: yet among so many particulars he did not know but there might be some truth. So he sent him to lord Danby, who intended to make some use of it, but could not give much credit to it, and handled the matter too remissly: for, if at first the thing had been traced quick, either the truth or the imposture of the whole affair might have been made appear. The king ordered lord Danby to say nothing of it to the duke. In the mean while some letters of an odd strain, relating to plots and discoveries, were sent by the post to Windsor, directed to Beddingfield, the duke's confessor; who, when he had read them, carried them to the duke, and protested he did not know what they meant, nor from whom they came. The duke carried them to the king. And he fancied they were writ either by Tonge or Oates, and sent on design to have them intercepted, to give the more credit to the discovery. The duke's enemies on the other hand gave out, that he had got some hints of the discovery, and brought these as a blind to impose on the king. The matter lay in a secret and remiss management for six weeks. 1678. 426

His discovery.

At last, on Michaelmas eve, Oates was brought before the council; and entertained them with a long relation of many discourses he had heard among the Jesuits, of their design to kill the king. He named persons, places, and times, almost without number. He said, many Jesuits had disguised themselves, and were gone to Scotland, and held field conventicles, on design to distract the government

1678. there. He said, he was sent first to St. Omer's, thence to Paris, and from thence to Spain, to negociate this design; and that upon his return, when he brought many letters and directions from beyond sea, there was a great meeting of the Jesuits held in London, in April last, in different rooms in a tavern near St. Clement's; and that he was employed to convey the resolutions of those in one room to those in another, and so to hand them round. The issue of the consultation was, that they came to a resolution to kill the king by shooting, stabbing, or poisoning him; that several attempts were made, all which failed in the execution, as shall be told when the trials are related. While he was going on, waiting for some certain evidence to accompany his discovery, he perceived they were jealous of him: and so he durst not trust himself among them any more. In all this there was not a word of Coniers, of whom Tonge had spoke to me. So that was dropt. This was the substance of what Oates told the first day. Many Jesuits were upon this seized on that night, and the next day. And their papers were sealed up next day. He accused Coleman of a strict correspondence with P. de la Chaise; (whose name he had not right, for he called him Father Le Shee:) and he said in general, that Coleman was acquainted with all their designs.

Coleman and his papers seized.

Coleman had a whole day free to make his escape, if he thought he was in any danger. And he had conveyed all his papers out of the way: only he forgot a drawer under the table, in which the papers relating to 74, 75, and a part of 76 were left. And from these I drew the negociations that I have formerly mentioned as directed by him. If he had ei-

ther left all his papers, or withdrawn all, it had been happy for his party. Nothing had appeared, if all his papers had been put out of the way. But, if all had been left, it might have been concluded, that the whole secret lay in them. But he left enough to give great jealousy. And, no more appearing, all was believed that the witnesses had deposed. Coleman went out of the way for a day, hearing that there was a warrant out against him. But he delivered himself the next day to the secretary of state. When Oates and he were confronted, Oates did not know him at first: but he named him, when he heard him speak. Yet he only charged him upon hearsay. So he was put in a messenger's hands. Oates named Wakeman, the queen's physician; but did not know him at all. And being asked if he knew any thing against him, he answered he did not; adding, God forbid he should say any thing more than he knew, he would not do that for all the world. Nor did he name Langhorn, the famous lawyer, that indeed managed all their concerns. The king found him out in one thing. He said, when he was in Spain, he was carried to Don John, who promised great assistance in the execution of their designs. The king, who knew Don John well, asked him what sort of a man he was: he answered, he was a tall lean man: now Don John was a little fat man. At first he seemed to design to recommend himself to the duke and the ministers: for he said, he heard the Jesuits oft say, that the duke was not sure enough to them: and they were in doubt, whether he would approve of their killing the king: but they were resolved, if they found him stiff in that matter, to despatch him likewise. He said,

1678. 427

1678. they had oft made use of his name, and counterfeited his hand and seal, without his knowledge. He said, the Jesuits cherished the faction in Scotland against duke Lauderdale; and intended to murder the duke of Ormond, as a great enemy to all their designs. And he affirmed he had seen many letters, in which these things were mentioned, and had heard them oft spoke of. He gave a long account of the burning of London, at which they intended to have killed the king: but they relented, when they saw him so active in quenching the fire, which, as he said, they had kindled.

Coleman's letters confirm it.

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

On the second day after this discovery, the king went to Newmarket. This was censured, as a very indecent levity in him, to go and see horse races, when all people were so much possessed with this extraordinary discovery, to which Coleman's letters

had gained an universal credit. While the king was gone, Tonge desired to speak with me. So I went to him to Whitehall, where both he and Oates were lodged under a guard. I found him so lifted up, that he seemed to have lost the little sense he had. Oates came in; and made me a compliment, that I was one that was marked out to be killed. He had before said the same to Stillingfleet of him. But he made that honour which he did us too cheap, when he said Tonge was to be served in the same manner, because he had translated the Jesuits' morals into English. He broke out into great fury against the Jesuits; and said, he would have their blood. But I, to divert him from that strain, asked him, what were the arguments that prevailed on him to change his religion, and to go over to the church of Rome. He upon that stood up, and laid his hands on his breast; and said, God and his holy angels knew, that he had never changed, but that he had gone among them on purpose to betray them. This gave me such a character of him, that I could have no regard to any thing he either said or swore after that. 1678. 428

A few days after this, a very extraordinary thing happened, that contributed more than any other thing to the establishing the belief of all this evidence. Sir Edmondbury Godfrey was an eminent justice of peace, that lived near Whitehall. He had the courage to stay in London, and keep things in order during the plague; which gained him much reputation, and upon which he was knighted. He was esteemed the best justice of peace in England; and kept the quarter where he lived in very good order. He was then entering upon a great design Godfrey is murdered.

1678. of taking up all beggars, and putting them to work. He was thought vain, and apt to take too much upon him. But there are so few men of a public spirit, that small faults, though they lessen them, yet ought to be gently censured. I knew him well, and never had reason to think him faulty that way. He was a zealous protestant, and loved the church of England; but had kind thoughts of the nonconformists, and was not forward to execute the laws against them. And he, to avoid being put on doing that, was not apt to search for priests or mass-houses. So that few men of his zeal lived in better terms with the papists than he did. Oates went to him the day before he appeared at the council board; and made oath of the narrative he intended to make, which he afterwards published. This seemed to be done in distrust of the privy council, as if they might stifle his evidence; which to prevent he put it in safe hands. Upon that Godfrey was chid for his presuming to meddle in so tender a matter. And it was generally believed, that Coleman and he were long in a private conversation, between the time of his (Coleman's) being put in the messenger's hands, and his being made a close prisoner: which was done as soon as report was made to the council
429 of the contents of his letters. It is certain, Godfrey grew apprehensive and reserved: for meeting me in the street, after some discourse of the present state of affairs, he said, he believed he himself should be knocked on the head. Yet he took no care of himself, and went about according to his own maxim, still without a servant: for he used to say, that the servants in London were corrupted by the idleness and ill company they fell into, while they attended

on their masters. On the day fortnight from that in which Oates had made his discovery, being Saturday, he went abroad in the morning, and was seen about one o'clock near St. Clement's church; but was never seen any more. He was a punctual man to good hours: so his servants were amazed when he did not come home. Yet, he having an ancient mother that lived at Hammersmith, they fancied, he had heard she was dying, and so was gone to see her. Next morning they sent thither, but heard no news of him. So his two brothers, who lived in the city, were sent to. They were not acquainted with his affairs: so they did not know whether he might not have stepped aside for debt; since at that time all people were calling in their money, which broke a great many. But, no creditors coming about the house, they on Tuesday published his being thus lost. The council sat upon it, and were going to order a search of all the houses about the town; but were diverted from it, by many stories that were brought them by the duke of Norfolk. Sometimes it was said, he was indecently married: and the scene was often shifted of the places where it was said he was. The duke of Norfolk's officiousness in this matter, and the last place he was seen at, being near Arundel house, brought him under great suspicion [f]. On Thursday, one came into a bookseller's shop after dinner, and said he was found thrust 1678.

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

1678. through with a sword. That was presently brought as news to me: but the reporter of it was not known. That night late his body was found in a ditch, about a mile out of the town, near St. Pancras church. His sword was thrust through him. But no blood was on his clothes, or about him. His shoes were clean. His money was in his pocket. But nothing was about his neck. And a mark was all round it, an inch broad, which shewed he was strangled. His breast was likewise all over marked with bruises: and his neck was broken. All this I saw; for Dr. Lloyd and I went to view his body. There were many drops of white wax-lights on his breeches, which he never used himself. And since only persons of quality, or priests, use those lights, this made all people conclude in whose hands he must have been. And it was visible he was first strangled, and then carried to that place, where his sword was run through his dead body. For a while it was given out, that he was a hypochondriacal man, and had killed himself. Of this the king was possessed, till Dr. Lloyd went and told him what he had seen. The body lay two days exposed, many going to see it, who went away much moved with the sight. And indeed men's spirits were so sharpened upon it, that we all looked on it as a very great happiness, that the people did not vent their fury upon the papists about the town.

His body was found.

430

The session of parliament was to be opened within three days: and it may be easily imagined in what a temper they met. The court party were out of countenance. So the country party were masters this session. All Oates's evidence was now so well believed, that it was not safe for any man to

Oates made a new discovery.

seem to doubt of any part of it. He thought he had the nation in his hands, and was swelled up to a high pitch of vanity and insolence. And now he made a new edition of his discovery at the bar of the house of commons. He said, the pope had declared that England was his kingdom, and that he had sent over commissions to several persons: and had by these made lord Arundel of Wardour, chancellor; lord Powis, treasurer; sir William Godolphin, then in Spain, privy seal; Coleman, secretary of state; Bellasis, general; Petre, lieutenant general; Ratcliffe, major general; Stafford, paymaster general; and Langhorn, advocate general; besides many other commissions for subaltern officers. These, he said, he saw in Langhorn's chamber; and that he had delivered out many of them himself, and saw many more delivered by others. And he now swore, upon his own knowledge, that both Coleman and Wakeman were in the plot; that Coleman had given eighty guineas to four ruffians, that went to Windsor last summer, to stab the king; that Wakeman had undertaken to poison him, for which 10,000*l.* was offered him, but that he got the price raised to 15,000*l.* He excused his not knowing them, when confronted with them; and said, that he was then so spent by a long examination, and by not sleeping for two nights, that he was not then master of himself; though it seemed very strange, that he should then have forgot that which he made now the main part of his evidence, and should have then objected only reports upon hearsay, when he had such matter against them, as he now said, upon his own knowledge. And it seemed not very congruous, that those who went to stab the king had 1678.

1678. but twenty guineas apiece, when Wakeman was to have 15,000*l.* for a safer way of killing him. Many other things in the discovery made it seem ill digested, and not credible. Bellasis was almost perpetually ill of the gout. Petre was a weak man, and had never any military command. Ratcliffe was a man that lived in great state in the north, and had not stirred from home all the last summer. Oates also swore, he delivered a commission to be a colonel, in May last, to Howard, the earl of Carlisle's
431 brother, that had married the duchess of Richmond. But a friend of mine told me, he was all that month at Bath, lodged in the same house with Howard, with whom he was every day engaged at play. He was then miserably ill of the gout, of which he died soon after. Oates did also charge general Lambert, as one engaged in the design, who was to have a great post, when set at liberty. But he had been kept in prison ever since the restoration; and by that time had lost his memory and sense. But it was thought strange, that since Oates had so often said, what I once heard him say, that he had gone in among them on design to betray them, that he had not kept any one of all these commissions to be real proof in support of his evidence. He had also said to the king, that whereas others ventured their lives to serve him, he had ventured his soul to serve him: and yet he did suffer the four ruffians to go to Windsor to kill him, without giving him any notice of his danger. These were characters strong enough to give suspicion, if Coleman's letters and Godfrey's murder had not seemed such authentic confirmations, as left no room to doubt of any thing. Tillotson indeed told me, that Langhorn's wife, who was

still as zealous a protestant as he was a papist, came oft to him, and gave him notice of every thing she could discover among them; though she continued a faithful and dutiful wife to the last minute of her husband's life. Upon the first breaking out of the plot, before Oates had spoke a word of commissions, or had accused Langhorn, she engaged her son into some discourse upon those matters, who was a hot, indiscreet papist. He said, their designs were so well laid, it was impossible they could miscarry: and that his father would be one of the greatest men of England; for he had seen a commission from the pope, constituting him advocate general. This he told me in Stillingfleet's hearing. 1678.

The earl of Shaftsbury had got out of the tower in the former session, upon his submission, to which it was not easy to bring him. But when he saw an army raised, he had no mind to lie longer in prison. The matter bore a long debate, the motion he had made in the king's bench being urged much against him. But a submission always takes off a contempt. So he got out. And now the duke of Buckingham and he, with the lords Essex and Hallifax, were the governing men among the lords. Many hard things were said against the duke. Yet when they tried to carry an address to be made to the king to send him away from court, the majority was against them.

Bedlow's evidence.

While things were thus in a ferment at London, Bedlow delivered himself to the magistrates of Bristol, pretending he knew the secret of Godfrey's murder. So he was sent up to London. The king told me, that when the secretary examined him in his presence, at his first coming he said he knew no- 432

1678. thing of the plot; but that he had heard that 40,000 men were to come over from Spain, who were to meet as pilgrims at St. Jago's, and were to be shipped for England: but he knew nothing of any fleet that was to bring them over. So this was looked on as very extravagant. But he said, he had seen Godfrey's body at Somerset house; and that he was offered 4000*l.* by a servant of the lord Bellasis, to assist in carrying it away: but upon that he had gone out of town to Bristol, where he was so pursued with horror, that it forced him to discover it. Bedlow had led a very vicious life. He had gone by many false names, by which he had cheated many persons. He had gone over many parts of France and Spain, as a man of quality. And he had made a shift to live on his wits, or rather by his cheats. So a tenderness of conscience did not seem to be that to which he was much subject. But the very next day after this, when he was brought to the bar of the house of lords, he made a full discovery of his knowledge of the plot, and of the lords in the tower: for all those against whom Oates had informed were now prisoners. The king was upon this convinced, that some had been with Bedlow after he had been before him, who had instructed him in this narration, of which he had said the night before that he knew nothing: and yet he not only confirmed the main parts of Oates's discoveries, but added a great deal to them. And he now pretended, that his rambling over so many places of Europe was all in order to the carrying on this design; that he was trusted with the secret, and had opened many of the letters which he was employed to carry.

Here were now two witnesses to prove the plot,

as far as swearing could prove it. And among the papers of the Jesuits, that were seized on when they were clapt up, two letters were found, that seemed to confirm all. One from Rome mentioned the sending over the patents; of which it was said in the letter, that they guessed the contents, though their patrons there carried their matters so secretly, that nothing was known, but as they thought fit. The Jesuits, when examined upon this, said, these were only patents with relation to the offices in their order. Another letter was writ to a Jesuit in the country, citing him to come to London by the 24th of April; which was the day in which Oates swore they held their consult, and that fifty of them had signed the resolution of killing the king, which was to be executed by Grove and Pickering. In the end of that letter it was added, I need not enjoin secrecy, for the nature of the thing requires it. When the Jesuit was examined to this, he said, it was a summons for a meeting according to the rule of their order: and they being to meet during the sitting of the parliament, that was the particular reason for enjoining secrecy. Yet, while men's minds were strongly possessed, these answers did not satisfy, but were thought only shifts. 1678. Other proofs that seemed to support the discovery. 433

At this time Carstairs, of whose behaviour in Scotland mention has been made, not having met with those rewards that he expected, came up to London, to accuse duke Lauderdale, as designing to keep up the opposition that was made to the laws in Scotland, even at the time that he seemed to prosecute conventicles with the greatest fury; because he had often drawn the chief of their teachers into such snares, that upon the advertisements that he gave Carstairs's practices.

1678. they might have been taken, but that duke Lauderdale had neglected it: so he saw he had a mind that conventicles should go on, at the same time that he was putting the country in such a flame to punish them. This he undertook to prove, by those witnesses of whom on other occasions he had made use. He also confessed the false date of that warrant upon which Baillie had been censured. He put all this in writing, and gave it to the marquess of Athol; and pressed him to carry him to duke Hamilton and the earl of Kincardin, that he might beg their pardon, and be assured of their favour. I was against the making use of so vile a man, and would have nothing to do with him. He made application to lord Cavendish, and to some of the house of commons, to whom I gave such a character of him, that they would see him no more.

Staley's trial.

While he was thus looking about where he could find a lucky piece of villainy, he happened to go into an eating-house in Covent Garden, that was over against the shop of one Staley, the popish banker, who had been in great credit, but was then under some difficulties; for all his creditors came to call for their money. Staley happening to be in the next room to Carstairs, Carstairs pretended he heard him say in French, that the king was a rogue, and persecuted the people of God; and that he himself would stab him, if nobody else would. The words were writ down, which he resolved to swear against him. So next morning he and [another who had been with him in the eating-house [s]] went to him, and told him what they would swear against him,

[s] In the printed copy was substituted, *one of his witnesses.*

and asked a sum of money of him. He was in much anxiety, and saw great danger on both hands. Yet he chose rather to leave himself to their malice, than be preyed on by them. So he was seized on: and they swore the words against him: and he was appointed to be tried within five days [h]. When I heard who the witnesses were, I thought I was bound to do what I could to stop it. So I sent both to the lord chancellor and to the attorney general, to let them know what profligate wretches these witnesses were. Jones, the attorney general, took it ill of me, that I should disparage the king's evi- 434
dence. The thing grew public, and raised great clamour against me. It was said, I was taking this method to get into favour at court. I had likewise observed to several persons of weight, how many incredible things there were in the evidence that was given: I wished they would make use of the heat the nation was in to secure us effectually from popery: we saw certain evidence to carry us so far, as to graft that upon it: but I wished they would not run too hastily to the taking men's lives upon such testimonies. Lord Hollis had more temper than I expected from a man of his heat. Lord Halifax was of the same mind. But the earl of Shaftsbury could not bear the discourse. He said, we must support the evidence; and that all those who undermined the credit of the witnesses were to be looked on as public enemies. And so inconstant a thing is popularity, that I was most bitterly railed at by those who seemed formerly to put some confidence in me. It went so far, that I was advised not to 1678.

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

1678. stir abroad for fear of public affronts. But these things did not daunt me. Staley was brought to his trial, which did not hold long. The witnesses gave a full evidence against him: and he had nothing to offer to take away their credit. He only shewed how improbable it was, that in a public house he should talk such things with so loud a voice as to be heard in the next room, in a quarter of the town where almost every body understood French. He was cast[i]: and he prepared himself very seriously for death. Dr. Lloyd went to see him in prison. He was offered his life, if he would discover their plots. He protested he knew of none; and that he had not said the words sworn against him, nor any thing to that purpose. And he died the first of those who suffered on the account of the plot. Duke Lauderdale, having heard how I had moved in this matter, railed at me with open mouth. He said, I had studied to save Staley, for the liking I had to any one that would murder the king. And he infused this into the king, so that he repeated it in the house of lords to a company that were standing about him.

Yet so soon could the king turn to make use of a man whom he had censured so unmercifully, that two days after this he sent the earl of Dunbarton, that was a papist, and had been bred in France, and was duke Hamilton's brother, to me, to desire me to come to him secretly, for he had a mind to talk with me. He said, he believed I could do him service, if I had a mind to it. And the see of Chichester being then void, he said he would not dispose of

[i] Anglice, was found guilty. S.

it, till he saw whether I would deserve it or not. I asked, if he fancied I would be a spy, or betray any body to him. But he undertook to me, that the king should ask me no question, but should in all points leave me to my liberty. 1678.

An accident fell in, before I went to him, which took off much from Oates's credit. When he was examined by the house of lords, and had made the same narrative to them that he had offered to the commons, they asked him, if he had now named all the persons whom he knew to be involved in the plot? He said, there might be some inferior persons whom he had perhaps forgot, but he had named all the persons of note. Yet, it seems, afterwards be bethought himself: and Mrs. Elliot, wife to Elliot of the bedchamber, came to the king, and told him, Oates had somewhat to swear against the queen, if he would give way to it. The king was willing to give Oates line enough, as he expressed it to me, and seemed to give way to it. So he came out with a new story, that the queen had sent for some Jesuits to Somerset house: and that he went along with them, but stayed at the door, when they went in; where he heard one, in a woman's voice, expressing her resentments of the usage she had met with, and assuring them she would assist them in taking off the king: upon that he was brought in, and presented to her: and there was then no other woman in the room but she. When he was bid describe the room, it proved to be one of the public rooms of that court, which are so great, that the queen, who was a woman of a low voice, could not be heard over it, unless she had strained for it. Oates, to excuse his saying that he could not lay

435

The queen was charged as in the plot.

1678. any thing to the charge of any besides those he had already named, pretended, that he thought then it was not lawful to accuse the queen. But this did not satisfy people. Bedlow, to support this, swore, that being once at chapel at Somerset house, he saw the queen, the duke, and some others, very earnest in discourse in the closet above; and that one came down with much joy, and said, the queen had yielded at last; and that one explained this to him beyond sea, and said, it was to kill the king. And, besides Bedlow's oath that he saw Godfrey's body in Somerset house, it was remembered, that at that time the queen was for some days in so close a retirement, that no person was admitted. Prince Rupert came then to wait on her, but was denied access. This raised a strange suspicion of her. But the king would not suffer that matter to go any farther.

A law passed for the test to be taken by both houses.

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

that test with a good conscience, yet, as soon as the bill was passed, he took it in the crowd with the rest. The duke got a proviso to be put in it for excepting himself. He spoke upon that occasion with great earnestness, and with tears in his eyes. He said, he was now to cast himself upon their favour in the greatest concern he could have in this world. He spoke much of his duty to the king, and of his zeal for the nation: and solemnly protested, that, whatever his religion might be, it should only be a private thing between God and his own soul, and that no effect of it should ever appear in the government. The proviso was carried for him by a few voices. And, contrary to all men's expectations, it passed in the house of commons[k]. There was also a proviso put in, excepting nine ladies about the queen. And she said, she would have all the ladies of that religion cast lots, who should be comprehended. Only she named the duchess of Portsmouth, as one whom she would not expose to the uncertainty of a lot; which was not thought very decent in her, though her circumstances at that time required an extraordinary submission to the king in every thing[l]. 1678. With a proviso for the duke.

Coleman was brought to his trial. Oates and Bedlow swore flatly against him, as was mentioned before. He denied, that he had ever seen either the one or the other of them in his whole life: and defended himself by Oates's not knowing him, when Coleman's trial.

[k] By a majority of two. The numbers were 158 and 156. See the Journal of 21st of Nov. 1678. O.

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

1678. they were first confronted, nor objecting those matters to him for a great while after. He also pressed Oates to name the day in August, in which he had sent the fourscore guineas to the four ruffians. But Oates would fix on no day, though he was very punctual in matters of less moment. Coleman had been out of town almost that whole month. But, no day being named, that served him in no stead. He urged the improbability of his talking to two such men, whom he had by their own confession never seen before. But they said, he was told that they were trusted with the whole secret. His letters to P. de la Chaise was the heaviest part of the evidence. He did not deny, that there were many impertinent things in his letters: but, he said, he intended nothing in them, but the king's service and the duke's: he never intended to bring in the catholic religion, by rebellion, or by blood, but only by a toleration: and the aid that was prayed from France, was only meant the assistance of money, and the interposition of that court. After a long
437 trial, he was convicted: and sentence passed upon him to die as a traitor. He continued to his last breath denying every tittle of that which the witnesses had sworn against him. Many were sent to him from both houses, offering to interpose for his pardon, if he would confess. He still protested his innocence, and took great care to vindicate the duke. He said, his own heat might make him too forward: for, being persuaded of the truth of his religion, he could not but wish, that all others were not only almost, but altogether, such as he was, except in that chain; for he was then in irons: he confessed, he had mixed too much interest for rais-

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

The nation was now so much alarmed, that all people were furnishing themselves with arms, which heightened the jealousy of the court. A bill passed in both houses for raising all the militia, and for keeping it together for six weeks: a third part, if I remember right, being to serve a fortnight, and so round. I found some of them hoped, when that bill passed into a law, they would be more masters; and that the militia would not separate, till all the demands of the two houses should be granted. The king [had notice of the consequence of that bill,

1678. and of the effects it might have. He] rejected the bill, when offered to him for his assent, [and thanked me for the advice I sent him.]

The king's thoughts of this whole matter.

I waited often on him all the month of December. He came to me to Chiffinch's, a page of the back stairs; and kept the time he assigned me to a minute. He was alone, and talked much and very freely with me. We agreed in one thing, that the greatest part of the evidence was a contrivance. But he suspected, some had set on Oates, and instructed him: and he named the earl of Shaftsbury. I was of another mind. I thought the many gross 438 things in his narrative shewed, there was no abler head than Oates, or Tonge, in the framing it [m]; and Oates in his first story had covered the duke and the ministers so much, that from thence it seemed clear that lord Shaftsbury had no hand in it, who hated them much more than he did popery. He fancied, there was a design of a rebellion on foot. I assured him, I saw no appearances of it. I told him, there was a report breaking out, that he intended to legitimate the duke of Monmouth. He answered quick, that, as well as he loved him, he had rather see him hanged. Yet he apprehended a rebellion so much, that he seemed not ill pleased that the party should flatter themselves with that

[m] "(A certain lord of his "(lord Shaftsbury's) confi- "dence in parliament, once "asked him what he intended "to do with the plot, which "was so full of nonsense, as "would scarce go down with "*tantum non* idiots; what then "could he propose by pressing "the belief of it upon men of "common sense, and especial- "ly in parliament? It is no "matter, said he, the more "nonsensical the better; if we "cannot bring them to swal- "low worse nonsense than "that, we shall never do any "good with them." *North's Examen of the Critical Hist. of England*, cap. 11. §. cxx. p. 95.)

imagination, hoping that would keep them quiet in a dependance upon himself: and he suffered the duke of Monmouth to use all methods to make himself popular, reckoning that he could keep him in his own management. He was surprised, when I told him that Coleman had insinuated that he knew of all their foreign negotiations; or at least he seemed so to me. I pressed him much to oblige the duke to enter into conferences with some of our divines, and to be present at them himself. This would very much clear him of jealousy, and might have a good effect on his brother: at least it would give the world some hopes; like what Henry IV. of France, his grandfather, did, which kept a party firm to him for some time before he changed. He answered, that his brother had neither Henry IV.'s understanding nor his conscience: for he believed, that king was always indifferent as to those matters [n]. He would not hearken to this, which made me incline to believe a report I had heard, that the duke had got a solemn promise of the king, that he would never speak to him of religion. The king spoke much to me concerning Oates's accusing the queen, and acquainted me with the whole progress of it. He said, she was a weak woman, and had some disagreeable humours, but was not capable of a wicked thing: and, considering his faultiness towards her in other things, he thought it a horrid thing to abandon her. He said, he looked on falsehood and cruelty as the greatest crimes in the sight 1678.

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

1678. of God: he knew, he had led a bad life; (of which he spoke with some sense:) but he was breaking himself of all his faults: and he would never do a base and a wicked thing. I spoke on all these subjects what I thought became me, which he took well. And I encouraged him much in his resolution of not exposing the queen to perish by false swearing. I told him, there was no possibility of laying the heat that was now raised, but by changing his ministry. And I told him how odious the earl of Danby was, and that there was a design against him: but I knew not the particulars. He said, he
439 knew that lay at bottom. The army was not yet disbanded: and the king was in great straits for money. The house of commons gave a money bill for this. Yet they would not trust the court with the disbanding the army: but ordered the money to be brought into the chamber of London, and named a committee for paying off and breaking the army. I perceived the king thought I was reserved to him, because I would tell him no particular stories, nor name persons. Upon which I told him, since he had that opinion of me, I saw I could do him no service, and would trouble him no more; but he should certainly hear from me, if I came to know any thing that might be of any consequence to his person or government.

This favour of mine lasted all the month of December 78. I acquainted him with Carstairs's practice against duke Lauderdale, and all that I knew of that matter; which was the ground on which I had gone with relation to Staley. The king told duke Lauderdale of it, without naming me. And he sent for Carstairs, and charged him with it.

Carstairs denied it all; but said, that duke Hamilton and lord Kincardin had pressed him to do it: and he went to the king, and affirmed it confidently to him. He did not name lord Athol, hoping that he would be gentle to him for that reason. The king spoke of this to duke Hamilton, who told him the whole story, as I had done. Lord Athol upon that sent for Carstairs, and charged him with all this foul dealing, and drew him near a closet, where he had put two witnesses. Carstairs said, that somebody had discovered the matter to duke Lauderdale, that he was now upon the point of making his fortune, and that if duke Lauderdale grew to be his enemy, he was undone. He confessed, he had charged duke Hamilton and lord Kincardin falsely: but he had no other way to save himself. After the marquess of Athol had thus drawn every thing from him, he went to the king with his two witnesses, and the paper that Carstairs had formerly put in his hand. Carstairs was then with the king, and was, with many imprecations, justifying his charge against the two lords: but he was confounded, when he saw lord Athol. And upon that his villainy appeared so evidently, that the part I had acted in that matter was now well understood and approved of. Carstairs died, not long after, under great horror; and ordered himself to be cast into some ditch as a dog; for he said he was no better. But I could never hear what he said of Staley's business. 1678.

Danby's letters to Mountague are brought out.

While all matters were in this confusion, a new incident happened that embroiled them yet more. The earl of Danby had broke with Mountague: but he knew what letters he had writ to him, and with what secrets he had trusted him. He apprehended

1678. Mountague might accuse him: so he resolved to
440 prevent him. Jenkins, who was then at Nimeguen, writ over, according to a direction sent him, as was believed, that he understood that Mountague had been in a secret correspondence, and in dangerous practices with the pope's nuncio at Paris. This was meant of one Con, whom I knew well, who had been long in Rome: and most of the letters between England and Rome passed through his hands: he was a crafty man, and knew news well, and loved money: so Mountague made use of him, and gave him money for such secrets as he could draw from him. Upon Jenkins's letter, the king sent a message to the house of commons, letting them know that he was resolved to bring Mountague to a trial, for being a confederate with Rome, and in the plot to bring in popery: and at the same time he sent to secure his cabinets and papers. This was a device of lord Danby's to find his own letters, and destroy them; and then to let the prosecution fall: for they knew they had nothing against Mountague. But Mountague understood the arts of a court too well to be easily catched; and had put a box, in which those letters were, in sure hands out of the way. A great debate rose upon this matter in the house of commons. It was thought a high breach of privilege to seize on the papers of a member of their house, when there was nothing of treason sworn against him. After some hours spent in the debate, during which Mountague sat silent very long; at last, when the box was brought to him from the person to whom he had trusted it, he opened it, and took out two of lord Danby's letters, that contained instructions to him to treat with the king of France for 300,000*l.* a year

for three years, if a peace succeeded, since it would not be convenient for the king to meet a parliament in all that time, and he was charged to mention no part of this to the secretary of state[o]. Winnington, who from small beginnings, and from as small a proportion of learning in his profession, in which he was rather bold and ready than able, was now come to be solicitor general, fell severely upon those letters[p]. He said, here was a minister, who, going out of the affairs of his own province, was directing the king's ambassadors, and excluding the secretary of state, whose office it was, from the knowledge of it: here was the faith of England to our allies, and our interest likewise, set to sale for French money, and that to keep off a session of parliament: this was a design to sell the nation, and to subvert the government: and he concluded, that was high treason. Upon which he moved, that lord Danby should be impeached of high treason. The earl of Danby's party was much confounded. They could neither deny nor justify his letters. But they argued, that they could not be high treason, since no such fact was comprehended in any of the statutes of treason: 441 1678.

[o] "(In Barillon's letters there "are several relations of money "sought by Buckingham and "Mountague, and sometimes "given, and oftener refused to "them. So far as I could dis- "cover in the papers at Ver- "sailles. Mountague did not re- "ceive more than 50,000 of the "100,000 crowns promised to "him for ruining lord Danby." *Dalrymple's Memoirs of Great Britain and Ireland, Appendix.* p. 318.)

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

1678. the letters seemed to be writ by the king's order, who certainly might appoint any person he pleased to send his orders to his ministers abroad: they reflected on the business of the earl of Strafford, and on constructive treason, which was a device to condemn a man for a fact against which no law did lie. Mainard, an ancient and eminent lawyer, explained the words of the statute of 25 Edward III. that the courts of law could not proceed but upon one of the crimes there enumerated: but the parliament had still a power, by the clause in that act, to declare what they thought was treason[q]: so an act passed, declaring poisoning treason, in king Henry VIII.'s time: and though by the statute it was only treason to conspire against the prince of Wales; yet if one should conspire against the whole royal family, when there was no prince of Wales, they would without doubt declare that to be high treason.

And he was impeached of high treason.

After a long debate it was voted by a majority of above seventy voices, that lord Danby should be impeached of high treason. And the impeachment was next day carried up to the lords. The earl of Danby justified himself, that he had served the king faithfully, and according to his own orders. And he produced some of Mountague's letters, to shew that at the court of France he was looked on as an enemy to their interest. He said, they knew him well that judged so of him; for he was indeed an enemy to it: and, among other reasons, he gave this for one, that he knew the French king held both the king's person and government under the last degree of con-

[q] Yes, by a new act, but not with a retrospect there, (perhaps *therefore*) for Maynard was a knave and a fool, with all his law. S.

tempt. These words were thought very strange with relation to both kings. A great debate arose in the house of lords concerning the impeachment; whether it ought to be received as an impeachment of high treason, only because the commons added the word high treason in it. It was said, the utmost that could be made of it was to suppose it true: but even in that case they must needs say plainly, that it was not within the statute. To this it was answered, that the house of commons, that brought up the impeachment, were to be heard to two points: the one was, to the nature of the crime: the other was, to the trial of it: but the lords could not take upon them to judge of either of these, till they heard what the commons could offer to support the charge: they were bound therefore to receive the charge, and to proceed according to the rules of parliament, which was to commit the person so impeached, and then give a short day for his trial: so it would be soon over, if the commons could not prove the matter charged to be high treason. The debate went on with great heat on both sides: but the majority was against the commitment. Upon this, it was visible, the commons would have complained that the lords denied them justice. So there was no hope of making up the matter. And upon that the parliament was prorogued. 1678. 442 The parliament was prorogued.

This was variously censured. The court condemned Mountague for revealing the king's secrets. Others said, that, since lord Danby had begun to fall on him, it was reasonable and natural for him to defend himself. The letters did cast a very great blemish, not only on Lord Danby, but on the king; who, after he had entered into alliances, and had re-

1678. ceived great supplies from his people to carry on a war, was thus treating with France for money, which could not be asked or obtained from France on any other account, but that of making the confederates accept of lower terms than otherwise they would have stood on; which was indeed the selling of the allies and of the public faith. All that the court said in excuse for this was, that, since the king saw a peace was resolved on, after he had put himself to so great a charge to prepare for war, it was reasonable for him to be reimbursed as much as he could from France; this was ordinary in all treaties, where the prince that desired a peace was made to buy it. This indeed would have justified the king, if it had been demanded above board[r]: but such underhand dealing was mean and dishonourable: and it was said, that the States went into the peace with such unreasonable earnestness upon the knowledge, or at least the suspicion, that they had of such practices. This gave a new wound to the king's credit abroad, or rather it opened the old one: for indeed after our breaking both the treaty of Breda, and the triple alliance, we had not much credit to lose abroad. None gained so much by this discovery as secretary Coventry; since now it appeared, that he was not trusted with those ill practices. He had been severely fallen on for the famed saying of the murder of forty men. Birch aggravated the matter heavily; and said, it seemed he thought the murder of forty men a very small matter, since he would rather be guilty of it, than oppose an alliance made upon such treacherous views. Coventry answered, that he always spoke to them sincerely, and as he

[r] Style of a gamester. S.

thought; and that if an angel from heaven should come and say otherwise, (at this they were very attentive, to see how he could close a period so strangely begun,) he was sure he should never get back to heaven again, but would be a fallen and a lying angel. Now the matter was well understood, and his credit was set on a sure foot. 1678.

After the prorogation, the earl of Danby saw the king's affairs and the state of the nation required a speedy session. He saw little hope of recovering himself with that parliament, in which so great a majority were already so deeply engaged. So he entered into a treaty with some of the country party for a new parliament. He undertook to get the duke to be sent out of the way against the time of its meeting. Lord Hollis, Littleton, Boscawen, and Hambden were spoke to. They were all so apprehensive of the continuance of that parliament, and that another set of ministers would be able to manage them as the court pleased, that they did undertake to save him, if he could bring these things about. But it was understood that he must quit his post, and withdraw from affairs. Upon which they promised their assistance to carry off his impeachment with a mild censure. The duke went into the advice of a dissolution upon other grounds. He thought the house of commons had engaged with so much heat in the matter of the plot, that they could never be brought off, or be made more gentle in the matter of religion. He thought a new parliament would act in a milder strain, and not fly so high; or that they would give no money, and so the king and they would break: for he dreaded nothing so much as the bargains that were made with the present par- 443

1678. liament, in which popery was always to be the sacrifice. Thus both the duke and lord Danby joined in advancing a dissolution, which was not resolved on till the January following.

The trial of F. Ireland and some others.

In December, Ireland, Whitebread, and Fenwick, three Jesuits; and Grove and Pickering, two of the servants in the queen's chapel, were brought to their trial. Oates and Bedlow swore home against Ireland, that in August last he had given particular orders about killing the king. Oates swore the same against the other two Jesuits. But Bedlow swore only upon hearsay against them. So, though they had pleaded to their indictment, and the jury was sworn, and the witnesses examined; yet, when the evidence was not found full, their trial was put off to another time, and the jury was not charged with them. This looked as if it was resolved that they must not be acquitted. I complained of this to Jones: but he said, they had precedents for it. I always thought, that a precedent against reason signified no more, but that the like injustice had been done before. And the truth is, the crown has, or at least had, such advantages in trials of treason, that it seems strange how any person was ever acquitted. Ireland, in his own defence, proved by many witnesses, that he went from London on the second of August to Staffordshire, and did not come back till the twelfth of September. Yet, in opposition to that, a woman swore that she saw him in London about the middle of August. So, since he might have come up post in one day, and gone down in another, this did not satisfy. Oates and Bedlow swore against Grove and Pickering, that they undertook to shoot the king at Windsor; that

Grove was to have 1500*l.* for it; and that Pickering chose thirty thousand masses, which, at a shilling a mass, amounted to the same sum: they attempted it three several times with a pistol: once the flint was loose: at another time there was no powder in the pan: and the third time the pistol was charged only with bullets. This was strange stuff. But all was imputed to a special providence of God: and the whole evidence was believed. So they were convicted, condemned, and executed. But they denied to the last every particular that was sworn against them. 1678. 444

This began to shake the credit of the evidence, when a more composed and credible person came in to support it. One Dugdale, that had been the lord Aston's bailiff, and lived in a fair reputation in the country, was put in prison for refusing the oaths of allegiance and supremacy[s]. He did then, with many imprecations on himself, deny, that he knew of any plot. But afterwards he made a great discovery of a correspondence that Evers, the lord Aston's Jesuit, held with the Jesuits in London; who had writ to Evers of the design of killing the king, and desired him to find out men proper for executing it, whether they were gentlemen or not. This, he swore, was writ plain in a letter from Whitebread, the provincial, directed to himself: but he knew it was meant for Evers. Evers, and Govan, another Dugdale's evidence.

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

1678. Jesuit, pressed this Dugdale to undertake it: they promised he should be canonized for it: and the lord Stafford offered him 500*l.* if he would set about it. He was a man of sense and temper; and behaved himself decently; and had somewhat in his air and deportment that disposed people to believe him: so that the king himself began to think there was somewhat in the plot, though he had very little regard either to Oates or Bedlow. Dugdale's evidence was much confirmed by one circumstance. He had talked of a justice of peace in Westminster that was killed, on the Tuesday after Godfrey was missed: so that the news of this must have been writ from London on the Saturday night's post. He did not think it was a secret: and so he talked of it as news in an alehouse. The two persons, he said he spoke it to, remembered nothing of it, the one being the minister of the parish: but several others swore they had heard it. He saw this, as he swore, in a letter writ by Harcourt the Jesuit to Evers, in which Godfrey was named. But he added a strange story to this, which he said Evers told him afterwards; that the duke had sent to Coleman, when he was in Newgate, to persuade him to discover nothing, and that he desired to know of him, whether he had ever discovered their designs to any other person; and that Coleman sent back answer, that he had spoke of them to Godfrey, but to no other man: upon which the duke gave order to kill him. This was never made public till the lord Stafford's trial. And I was amazed to see such a thing break out after so long a silence. It looked like an addition to Dugdale's first evidence; though he had been noted for having brought out all his discoveries

at once. The earl of Essex told me, he swore it in his first examination: but, since it was only upon hearsay from Evers, and so was nothing in law, and yet would heighten the fury against the duke, the king charged Dugdale to say nothing of it. 1678.

Prance discovers Godfrey's murder.

At the same time a particular discovery was made of Godfrey's murder. Prance, a goldsmith, that wrought for the queen's chapel, had gone from his house for two or three days, the week before the murder. And one that lodged in his house, calling that to mind, upon Bedlow's swearing he saw the body in Somerset house, fancied that this was the time in which he was from home, and that he might be concerned in that matter; though it appeared afterwards, that his absence was the week before. He said, he went from his own house, fearing to be put in prison, as many were, upon suspicion, or on the account of his religion. Yet upon this information he was seized on, and carried to Westminster. Bedlow accidentally passed by, not knowing any thing concerning him: and at first sight he charged somebody to seize on him; for he was one of those whom he saw about Godfrey's body. Yet he denied every thing for some days. Afterwards he confessed he was concerned in it: and he gave this account of it: Girald and Kelly, two priests, engaged him and three others into it; who were Green, that belonged to the queen's chapel, Hill, that had served Godden, the most celebrated writer among them, and Berry, the porter of Somerset house. He said, these all, except Berry, had several meetings, in which the priests persuaded them it was no sin, but a meritorious action, to despatch Godfrey, who had been a busy man in taking depositions against them, and that the taking him off would terrify others.

1678. Prance named an alehouse where they used to meet: and the people of that house did confirm this of their meeting there. After they had resolved on it, they followed him for several days. The morning before they killed him, Hill went to his house, to see if he was yet gone out, and spoke to his maid. And, finding he was yet at home, they stayed for his coming out. This was confirmed by the maid, who, upon Hill's being taken, went to Newgate, and, in a crowd of prisoners, distinguished him, and said, he was the person that asked for her master the morning before he was lost. Prance said, they dogged him into a place near St. Clement's church, where he was kept till night. Prance was appointed to be at Somerset house at night. [This laid the suspicion still heavier on the duke of Norfolk[t].] And, as Godfrey went by the water gate, two of them pretended to be hot in a quarrel. And
446 one run out to call a justice of peace, and so pressed Godfrey to go in and part them. He was not easily prevailed on to do it. Yet he did at last. Green then got behind him, and pulled a cravat about his neck, and drew him down to the ground, and strangled him. Upon that, Girald would have run him through: but the rest diverted him from that, by representing the danger of a discovery by the blood's being seen there. Upon that they carried his body up to Godden's room, of which Hill had the key, Godden being then in France. Two days after that, they removed it to a room cross the upper court, which Prance could never describe particularly. And, that not being found a convenient place, they carried it back to Godden's lodgings.

[t] (See before, p. 429.)

At last it was resolved to carry it out in the night in a sedan to the remote parts of the town, and from thence to cast it into some ditch. On Wednesday a sedan was provided. And one of the centinels swore he saw a sedan carried in: but none saw it brought out. Prance said, they carried him out, and that Green had provided a horse, on whose back he laid him, when they were got clear of the town: and then he carried him, as he believed, to the place where his body was found. This was a consisting story, which was supported in some circumstances by collateral proofs. He added another particular, that, some days after the fact, those who had been concerned in it, and two others, who were in the secret, appointed to meet at Bow, where they talked much of that matter. This was confirmed by a servant of that house, who was coming in and out to them, and heard them often mention Godfrey's name. Upon which he stood at the door out of curiosity to hearken: but one of them came out, and threatened him for it. The priests were not found: but Green, Hill, and Berry, were apprehended upon it. Yet some days after this, Prance desired to be carried to the king, who would not see him, but in council: and he denied all that he had formerly sworn, and said it was all a fiction. But as soon as he was carried back to prison, he sent the keeper of Newgate to the king, to tell him, that all he had sworn was true, but that the horror and confusion he was in put him on denying it. Yet he went off from this again, and denied every thing. Dr. Lloyd was upon this sent to him, to talk with him. At first he denied every thing to him. But Dr. Lloyd said to me, that he was almost dead through 1678.

1678. the disorder of his mind, and with cold in his body. But after that Dr. Lloyd had made a fire, and caused him to be put in a bed, and began to discourse the matter with him, he returned to his confession; which he did in such a manner, that Lloyd said to me, it was not possible for him to doubt of his sincerity in it.

Some condemned for it, who died denying it.

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

reckoned, that, those things being done in the night, Prance might have mistaken him for some other person who might be like him, considering the confusion that so much guilt might have put him in. He therefore believed Prance had sworn rashly with relation to him, but truly as to the main of the fact. The papists took great advantage from Berry's dying a protestant, and yet denying all that was sworn against him, though he might have had his life, if he would have confessed it. They said, this shewed it was not from the doctrine of equivocation, or from the power of absolution, or any other of their tenets, that so many died, denying all that was sworn against them, but from their own conviction. And indeed this matter came to be charged on Dr. Lloyd, as if he had been made a tool for bringing Berry to this seeming conversion, and that all was done on design to cover the queen. But I saw him then every day, and was well assured that he acted nothing in it but what became his profession, with all possible sincerity. Prance began, after this, to enlarge his discoveries. He said, he had often heard them talk of killing the king, and of setting on a general massacre, after they had raised an army. Dugdale also said, he had heard them discourse of a massacre. The memory of the Irish massacre was yet so fresh, as to raise a particular horror at the very mention of this; though where the numbers were so great as in Ireland, that might have been executed, yet there seemed to be no occasion to apprehend the like, where the numbers were in so great an inequality as they were here. Prance did also swear, that a servant of the lord Powis had told him, that there was one in their family who had 1678.

1678. undertaken to kill the king; but that some days after he told him, they were now gone off from that design. It looked very strange, and added no credit
448 to his other evidence, that the papists should be thus talking of killing the king, as if it had been a common piece of news. But there are seasons of believing, as well as of disbelieving: and believing was then so much in season, that improbabilities or inconsistencies were little considered. Nor was it safe so much as to make reflections on them. That was called the blasting of the plot, and disparaging the king's evidence: though indeed Oates and Bedlow did, by their behaviour, detract more from their own credit, than all their enemies could have done. The former talked of all persons with insufferable insolence: and the other was a scandalous libertine in his whole deportment.

Scroggs was then lord chief justice.

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

all the trials he set himself, even with indecent earnestness, to get the prisoners to be always cast. 1678.

Another witness came in soon after these things, Jennison, the younger brother of a Jesuit, and a gentleman of a family and estate. He, observing that Ireland had defended himself against Oates chiefly by this, that he was in Staffordshire from the beginning of August till the 12th of September, and that he had died affirming that to be true, seemed much surprised at it; and upon that turned protestant. For he said, he saw him in London on the 19th of August, on which day he fixed upon this account, that he saw him the day before he went down in the stage coach to York, which was proved by the books of that office to be the 20th of August. He said he was come to town from Windsor: and hearing that Ireland was in town, he went to see him, and found him drawing off his boots. Ireland asked him news, and in particular, how the king was attended at Windsor? And when he answered, that he walked about very carelessly, with very few about him, Ireland seemed to wonder at it, and said, it would be easy then to take him off: to which Jennison answered quick, God forbid: but Ireland said, he did not mean that it could be lawfully done. Jennison, in the letter in which he writ this up to a friend in London, added, that he remembered an inconsiderable passage or two more, and that perhaps Smith (a priest that had lived with his father) could help him to one or two more circumstances relating to those matters: but he protested, as he desired the forgiveness of his sins, and the salvation of his soul, that he knew no more; and wished he might never see the face of God, if Jennison's evidence. 449

1678. he knew any more. This letter was printed. And great use was made of it, to shew how little regard was to be had to those denials, with which so many had ended their lives. But this man in the summer thereafter published a long narrative of his knowledge of the plot. He said, himself had been invited to assist in killing the king. He named the four ruffians that went to Windsor to do it. And he thought to have reconciled this to his letter, by pretending these were the circumstances that he had not mentioned in it. Smith did also change his religion; and deposed, that, when he was at Rome, he was told in general of the design of killing the king. He was afterwards discovered to be a vicious man. Yet he went no farther than to swear, that he was acquainted with the design in general, but not with the persons that were employed in it. By these witnesses the credit of the plot was universally established. Yet, no real proofs appearing, besides Coleman's letters and Godfrey's murder, the king, by a proclamation, did offer both a pardon and 200*l.* to any one that would come in, and make further discoveries. This was thought too great a hire to purchase witnesses. Money had been offered to those who should bring in criminals. But it was said to be a new and indecent practice to offer so much money to men that should merit it by swearing: and it might be too great an encouragement to perjury.

Practices with the witnesses discovered.

While the witnesses were weakening their own credit, some practices were discovered, that did very much support it. Reading, a lawyer of some subtilty, but of no virtue, was employed by the lords in the tower to solicit their affairs. He insinuated

himself much into Bedlow's confidence, and was much in his company: and, in the hearing of others, he was always pressing him to tell all he knew. He lent him money very freely, which the other wanted often. And he seemed at first to design only to find out somewhat that should destroy the credit of his testimony. But he ventured on other practices; and offered him much money, if he would turn his evidence against the popish lords only into a hearsay, so that it should not come home against them. Reading said, Bedlow began the proposition to him; and employed him to see how much money these lords could give him, if he should bring them off: upon which Reading, as he pretended afterwards, seeing that innocent blood was like to be shed, was willing, even by indecent means, to endeavour to prevent it. Yet he freed the lords in the tower. He said they would not promise a farthing; only the lord Stafford said, he would give himself two or three hundred pounds, which he might dispose of as he pleased. While Reading was driving the bargain, Bedlow was too hard for him at his own trade of craft: for, as he acquainted both prince Rupert and the earl of Essex with the whole negotiation, from the first step of it, so he placed two witnesses secretly in his chamber, when Reading was to come to him; and drew him into those discourses, which discovered the whole practice of that corruption. Reading had likewise drawn a paper, by which he shewed him with how few and small alterations he could soften his deposition so as not to affect the lords. With these witnesses, and this paper, Bedlow charged Reading. The whole matter was proved beyond contradiction. And, as this raised his credit, 1678.

1678. so it laid a heavy load on the popish lords; though the proofs came home only to Reading, and he was set in the pillory for it. Bedlow made a very ill use of this discovery, which happened in March, to cover his having sworn against Whitebread and Fenwick only upon hearsay in December: for, being resolved to swear plain matter upon his own knowledge against them, when they should be brought again on their trial, he said, Reading had prevailed on him to be easy to them, as he called it; and that he had said to him that the lords would take the saving of these Jesuits as an earnest of what he would do for themselves; though it was not very probable that these lords would have abandoned Ireland, when they took such care of the other Jesuits. The truth was, he ought to have been set aside from being a witness any more, since now by his own confession he had sworn falsely in that trial: he had first sworn, he knew nothing of his own knowledge against the two Jesuits, and afterwards he swore copiously against them, and upon his own knowledge. Wyld, a worthy and ancient judge, said upon that to him, that he was a perjured man, and ought to come no more into courts, but to go home, and repent. Yet all this was passed over, as if it had been of no weight: and the judge was turned out for his plain freedom. There was soon after this another practice discovered concerning Oates. Some that belonged to the earl of Danby conversed much with Oates's servants. They told them many odious things that he was daily speaking of the king, which looked liker one that intended to ruin than to save him. One of these did also affirm, that Oates had made an abo-

minable attempt upon him not fit to be named. 1678.
Oates smelled this out, and got his servants to deny all that they had said, and to fasten it upon those who had been with them, as a practice of theirs: and they were upon that likewise set on the pillory. And, to put things of a sort together, though they happened not all at once: one Tasborough, that belonged to the duke's court, entered into some correspondence with Dugdale, who was courting a kinswoman of his. It was proposed, that Dugdale should sign a paper, retracting all that he had formerly sworn, and should upon that go beyond sea, for which he was promised, in the duke's name, a considerable reward. He had written the paper, as was desired: but he was too cunning for Tasborough, and he proved his practices upon him. He 451
pretended he drew the paper only to draw the other further on, that he might be able to penetrate the deeper into their designs. Tasborough was fined, and set in the pillory for tampering thus with the king's evidence.

Reflections upon the whole evidence.

This was the true state of the plot, and of the witnesses that proved it; which I have opened as fully as was possible for me: and I had particular occasions to be well instructed in it. Here was matter enough to work on the fears and apprehensions of the nation: so it was not to be wondered at, if parliaments were hot, and juries were easy in this prosecution. The visible evidences that appeared, made all people conclude there was great plotting among them. And it was generally believed, that the bulk of what was sworn by the witnesses was true, though they had by all appearance dressed it up with incredible circumstances. What the men

1678. of learning knew concerning their principles, both of deposing of kings, and of the lawfulness of murdering them when so deposed, made them easily conclude, that since they saw the duke was so entirely theirs, and that the king was so little to be depended on, they might think the present conjuncture was not to be lost. And since the duke's eldest daughter was already out of their hands, they might make the more haste to set the duke on the throne. The tempers, as well as the morals, of the Jesuits, made it reasonable to believe, that they were not apt to neglect such advantages, nor to stick at any sort of falsehood in order to their own defence. The doctrine of probability, besides many other maxims that are current among them, made many give little credit to their witnesses, or to their most solemn denials, even at their execution. Many things were brought to shew, that by the casuistical divinity taught among them, and published by them to the world, there was no practice so bad, but that the doctrines of probability, and of ordering the intention, might justify it. Yet many thought, that, what doctrines soever men might by a subtilty of speculation be carried into, the approaches of death, with the seriousness that appeared in their deportment, must needs work so much on the probity and candour which seemed rooted in human nature [u], that even immoral opinions, maintained in the way of argument, could not then resist it. Several of our divines went far in this charge, against all regard to their dying speeches; of which some of our own church complained, as inhuman and indecent.

[u] Credat Judæus Apella. S.

[I looked always on this as an opening their graves, and the putting them to a second death.] 1678.

In January a new parliament was summoned. The elections were carried with great heat, and went almost every where against the court. Lord Danby resolved to leave the treasury at Lady-day. And in that time he made great advantage by several payments which he got the king to order, that were due upon such slight pretences, that it was believed he had a large share of them to himself: so that he left the treasury quite empty. He persuaded the king to send the duke beyond sea, that so there might be no colour for suspecting that the counsels were influenced by him. He endeavoured to persuade the duke, that it was fit for him to go out of the way. If the king and the parliament came to an agreement, he might depend on the promise that the king would make him, of recalling him immediately: and if they did not agree, no part of the blame could be cast on him; which must happen otherwise, if he staid still at court. Yet no rhetoric would have prevailed on him to go, if the king had not told him positively, it was for both their service, and so it must be done. 1679. A new parliament. 452

Before he went away, the king gave him all possible satisfaction with relation to the duke of Monmouth, who was become very popular, and his creatures were giving it out, that he was the king's lawful son. So the king made a solemn declaration in council, and both signed it and took his oath on it, that he was never married, nor contracted to that duke's mother; nor to any other woman, except to his present queen. The duke was sent away upon The duke sent beyond sea.

1679. very short warning, not without many tears shed by him at parting, though the king shed none. He went first to Holland, and then to Brussels, where he was but coldly received [v].

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

Seimour and he had fallen into some quarrelings, both being very proud and violent in their tempers. Seimour had in the last session struck in with that

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

heat against popery, that he was become popular upon it. So he managed the matter in this new parliament, that though the court named Meres, yet he was chosen speaker. The nomination of the speaker was understood to come from the king, though he was not named as recommending the person. Yet a privy counsellor named one: and it was understood to be done by order. And the person thus named was put in the chair, and was next day presented to the king, who approved the choice. When Seimour was next day presented as the speaker, the king refused to confirm the election. He said, he had other occasions for him, which could not be dispensed with. Upon this great heats arose, with a long and violent debate. It was said, the house had the choice of their speaker in them, and that their presenting the speaker was only a solemn shewing him to the king, such as was the presenting the lord mayor and sheriffs of London in the exchequer; but that the king was bound to confirm their choice. This debate held a week, and created much anger. 1679.

A temper was found at last. Seimour's election was let fall[w]: but the point was settled, that the right of electing was in the house, and that the confirmation was a thing of course[x]. So another was chosen speaker. And the house immediately fell on lord Danby. Those who intended to serve him said, the heat this dispute had raised, which was imputed wholly to him, had put it out of their power to do it. 453

[w] By a short prorogation of the parliament. O.

[x] The earl of Oxford, (Harley,) who had been speaker, used to say, that all the commons got by this contest was, that a speaker might be moved for by one who was not a privy counsellor. Lord Russel now moved for Gregory. O.

1679. But he committed other errors. He took out a pardon under the great seal. The earl of Nottingham durst not venture to pass it. So the king ordered the seal to be put to the pardon in his own presence. And thus, according to lord Nottingham's figure, when he was afterwards questioned about it, it did not pass through the ordinary methods of production, but was an immediate effect of his majesty's power of creating[y]. He also took out a warrant to be marquess of Caermarthen. And the king, in a speech to the parliament, said, he had done nothing but by his order; and therefore he had pardoned him; and, if there was any defect in his pardon, he would pass it over and over again, till it should be quite legal.

Danby pardoned by the king, but prosecuted by the house of commons.

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

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

tion in parliament, which seemed to be one of the chief securities, and most essential parts of our constitution. Yet on the other hand it was said, that the power of pardoning was a main article of the king's prerogative: none had ever yet been annulled: the law had made this one of the trusts of the government, without any limitation upon it: all arguments against it might be good reasons for the limiting it for the future: but what was already passed was good in law, and could not be broke through. The temper proposed was, that, upon lord Danby's going out of the way, an act of banishment should pass against him, like that which had passed against the earl of Clarendon. Upon that, when the lords voted that he should be committed, he withdrew. So a bill of banishment passed in the house of lords, and was sent down to the commons. Winnington fell on it there in a most furious manner. He said, it was an act to let all ministers see what was the worst thing that could happen to them, after they had been engaged in the blackest designs, and had got great rewards of wealth and honour: all they could suffer was, to be obliged to live beyond sea. This inflamed the house so, that those who intended to have moderated that heat, found they could not stop it. Littleton sent for me that night, to try if it was possible to mollify Winnington. We laid before him, that the king seemed brought near a disposition to grant every thing that could be desired of him: and why must an attainder be brought on, which would create a breach that could not be healed? The earl of Danby was resolved to bear a banishment; but would come in, rather than be attainted, and plead his pardon: 1679. 454

1679. and then the king was upon the matter made the party in the prosecution, which might ruin all: we knew how bad a minister he had been, and had felt the ill effects of his power: but the public was to be preferred to all other considerations. But Winnington was then so entirely in Mountague's management, and was so blown up with popularity, and so much provoked by being turned out of the place of solicitor general, that he could not be prevailed on. It was offered afterwards from the court, as Littleton told me, both that lord Danby should by act of parliament be degraded from his peerage, as well as banished, and that an act should pass declaring for the future no pardon should be pleaded in bar to an impeachment. But the fury of the time was such, that all offers were rejected. And so a very probable appearance of settling the nation was lost: for the bill for banishing lord Danby was thrown out by the commons. And instead of it a bill of attainder was brought in. The treasury was put in commission. The earl of Essex was put at the head of it. And Hide and Godolphin were two of the commission. The earl of Sunderland was brought over from France, and made secretary of state. And lord Essex and lord Sunderland joined with the duke of Monmouth, to press the king to change his counsels, and to turn to another method of government, and to take the men of the greatest credit into his confidence. Lord Essex was much blamed for going in so early into the court, before the rest were brought in. He said to me, he did it in the prospect of working the change that was afterwards effected. Lord Sunderland also told me, that the king was easy in the bringing in lord Shaftsbury; for he

thought he was only angry in revenge, because he was not employed; but that he had so ill an opinion of lord Halifax, that it was not easy to get over that. The duke of Monmouth told me, that he had as great difficulty in overcoming that, as ever in any thing that he studied to bring the king to[z]. 1679.

At last the king was prevailed on to dismiss the whole council, which was all made up of lord Danby's creatures. And the chief men of both houses were brought into it. This was carried with so much secrecy, that it was not so much as suspected, till the day before it was done[a]. The king was weary of the vexation he had been long in, and desired to be set at ease. And at that time he would have done any thing to get an end put to the plot, and to the fermentation that was now over the whole nation: so that, if the house of commons would have let the matter of lord Danby's pardon fall, and have accepted of limitations on his brother, instead of excluding him, he was willing to have yielded in every thing else. He put likewise the admiralty and ordnance into commissions; out of all which the duke's creatures were so excluded, that they gave both him and themselves for lost. But the hatred that Mountague bore lord Danby, and lord Shaftsbury's hatred to the duke, spoiled all this. There were also many in the house of commons, who, finding themselves A new council. 455

[z] This sudden short-lived turn always went by the name of sir William Temple's scheme. D.

[a] See sir W. Temple's Memoirs, part 3. This change was his work, except the bringing in of the lord Shaftsbury. That part of his Memoirs is the most excellent picture of courts and courtiers, and of faction and its leaders. Temple was too honest for those times. He was made only for such a prince as king William: but he would take no public employment even under him. O.

1679. forgot, while others were preferred to them, resolved to make themselves considerable. And they infused into a great many a mistrust of all that was doing. It was said, the king was still what he was before. No change appeared in him. And all this was only an artifice to lay the heat that was in the nation, to gain so many over to him, and so to draw money from the commons. So they resolved to give no money, till all other things should be first settled. No part of the change that was then made was more acceptable than that of the judges: for lord Danby had brought in some sad creatures to those important posts. And Jones had the new modelling of the bench. And he put in very worthy men, in the room of those ignorant judges that were now dismissed.

Debates concerning the exclusion.

The main point in debate was, what security the king should offer to quiet the fears of the nation upon the account of the duke's succession. The earl of Shaftsbury proposed the excluding him simply, and making the succession to go on, as if he was dead, as the only mean that was easy and safe both for the crown and the people: this was nothing but the disinheriting the next heir, which certainly the king and parliament might do, as well as any private man might disinherit his next heir, if he had a mind to it[b]. The king would not consent to this. He had faithfully promised the duke, that he never would. And he thought, if acts of exclusion were once begun, it would not be easy to stop them; but that upon any discontent at the next heir, they would be set on: religion was now the pretence: but other pretences would be found out, when there was need

[b] That is not always true. Yet it was certainly in the power of king and parliament to exclude the next heir. S.

of them: this insensibly would change the nature of the English monarchy: so that from being hereditary it would become elective. The lords of Essex and Halifax upon this proposed such limitations of the duke's authority, when the crown should devolve on him, as would disable him from doing any harm, either in church or state: such as the taking out of his hand all power in ecclesiastical matters, the disposal of the public money, with the power of peace and war, and the lodging these in both houses of parliament; and that whatever parliament was in being, or the last that had been in being at the king's death, should meet, without a new summons, upon it, and assume the administration of affairs. Lord Shaftsbury argued against this, as much more prejudicial to the crown, than the exclusion of one heir: for this changed the whole government, and set up a democracy instead of a monarchy. Lord Halifax's arguing now so much against the danger of turning the monarchy to be elective, was the more extraordinary in him, because he had made an hereditary monarchy the subject of his mirth; and had often said, Who takes a coachman to drive him, because his father was a good coachman? Yet he was now jealous of a small slip in the succession. But at the same time he studied to infuse into some a zeal for a commonwealth. And to these he pretended, that he preferred limitations to an exclusion: because the one kept up the monarchy still, only passing over one person; whereas the other brought us really into a commonwealth, as soon as we had a popish king over us. And it was said by some of his friends, that the limitations proposed were so advantageous to public liberty, that a man might be 1679. 456

1679. tempted to wish for a popish king, to come at them.

Upon this great difference of opinion, a faction was quickly formed in the new council. The lords Essex, Sunderland, and Halifax declaring for limitations, and against the exclusion; while lord Shaftsbury, now made president of the council, declared highly for it. They took much pains on him to moderate his heat: but he was become so intolerably vain, that he would not mix with them, unless he might govern. So they broke with him: and the other three were called the triumvirate. Lord Essex applied himself to the business of the treasury, to the regulating the king's expence, and the improvement of the revenue. His clear, though slow sense, made him very acceptable to the king. Lord Halifax studied to manage the king's spirit, and to gain an ascendant there by a lively and libertine conversation. Lord Sunderland managed foreign affairs, and had the greatest credit with the duchess of Portsmouth. After it was agreed on to offer the limitations, the lord chancellor, by order from the king, made the proposition to both houses. The duke was struck with the news of this, when it came to him to Brussels. I saw a letter writ by his duchess the next post: in which she wrote, that as for all the high things that were said by their enemies they looked for them, but that speech of the lord chancellor's was a surprise, and a great mortification to them. Their apprehensions of that did not hang long upon them. The exclusion was become the popular expedient. So, after much debating, a bill was ordered for excluding the duke of York. I will give you here a short abstract of all that was said,

both within and without doors, for and against the exclusion. 1679.

457 Those who argued for it laid it down for a foundation, that every person, who had the whole right of any thing in him, had likewise the power of transferring it to whom he pleased. So the king and parliament, being entirely possessed of the whole authority of the nation, had a power to limit the succession, and every thing else relating to the nation, as they pleased. And by consequence there was no such thing as a fundamental law, by which the power of parliament was bound up: for no king and parliament in any former age had a power over the present king and parliament; otherwise the government was not entire, nor absolute. A father, how much soever determined by nature to provide for his children, yet had certainly a power of disinheriting them, without which, in some cases, the respect due to him could not be preserved. The life of the king on the throne was not secure, unless this was acknowledged. For if the next heir was a traitor, and could not be seized on, the king would be ill served in opposition to him, if he could not bar his succession by an exclusion. Government was appointed for those that were to be governed, and not for the sake of governors themselves[c]: therefore all things relating to it were to be measured by the public interest and the safety of the people. In none of God's appointments in the Old Testament regard was had to the eldest. Isaac, Jacob, Judah, Ephraim, and more particularly Solo-

Arguments used for and against the exclusion.

[c] A true maxim and infallible. S. (The preceding argument was a weak one, because even the next heir, if a traitor, might, according to law, be capitally punished.)

1679. mon, were preferred without any regard to the next in line. In the several kingdoms of Europe, the succession went according to particular laws, and not by any general law. In England, Spain, and Sweden, the heir general did succeed: whereas it was only the heir male in France and Germany. And whereas the oath of allegiance tied us to the king and his heirs, the word *heir* was a term that imported that person who by law ought to succeed: and so it fell by law to any person who was declared next in the succession. In England the heir of the king that reigned had been sometimes set aside, and the right of succession transferred to another person. Henry VII. set up his title on his possessing the crown. Henry VIII. got his two daughters, while they were by acts of parliament illegitimated, put in the succession: and he had a power given him to devise it after them, and their issue, at his pleasure. Queen Elizabeth, when she was in danger from the practices of the queen of Scots, got an act to pass asserting the power of the parliament to limit the succession of the crown. It was high treason to deny this during her life, and was still highly penal to this day. All this was laid down in general, to assert a power in the parliament to exclude the next heir, if there was a just cause for it. Now as to the present case, the popish religion was so contrary to the whole frame and constitution of our government, as well as to that dignity inherent in the crown, of being the head of the church, that a papist seemed to be brought under a disability to hold the crown. A great part of the property of the nation, the abbey lands, was shaken by the prospect of
458 such a succession. The perfidy and the cruelty of

that religion made the danger more sensible. Fires, and courts of inquisition, were that which all must reckon for, who would not redeem themselves by an early and zealous conversion. The duke's own temper was much insisted on. It appeared by all their letters, how much the papists depended on him: and his own deportment shewed there was good reason for it. He would break through all limitations, and call in a foreign power, rather than submit to them. Some mercenary lawyers would give it for law, that the prerogative could not be limited, and that a law limiting it was void of it self. Revenges for past injuries, when joined to a bigotry in religion, would be probably very violent. 1679.

On the other hand, some argued against the exclusion: that it was unlawful in it self, and against the unalterable law of succession; (which came to be the common phrase.) Monarchy was said to be by divine right: so the law could not alter what God had settled. Yet few went at first so high. Much weight was laid on the oath of allegiance, that tied us to the king's heirs: and whoso was the heir when any man took that oath, was still the heir to him. All lawyers had great regard to fundamental laws. And it was a maxim among our lawyers, that even an act of parliament against Magna Charta was null of it self[d]. There was no arguing from the changes in the course of the succession. These had been the effects of prosperous rebellions. Nor from Henry VII.'s reigning in the right of his queen, and yet not owning it to be so. Nor was it strange, if in so violent a reign as Henry VIII.'s

[d] A sottish maxim. S.

1679. acts were made in prejudice of the right of blood. But though his daughters were made bastards by two several acts, yet it was notorious they were both born in a state of marriage. And when unlawful marriages were annulled, yet such issue as descended from them *bona fide* used not to be illegitimated. But though that king made a will pursuant to an act of parliament, excluding the Scotish line, yet such regard the nation had to the next in blood, that, without examining the will, the Scotish line was received. It is true, queen Elizabeth, out of her hatred to the queen of Scots, got the famed act to pass, that declares the parliament's power of limiting the succession. But since that whole matter ended so fatally, and was the great blemish of her reign, it was not reasonable to build much on it. These were the arguments of those, who thought the parliament had not the power to enact an exclusion of the next heir: of which opinion the earl of Essex was at this time. Others did not go on these grounds: but they said, that though a father has indeed a power of disinheriting his son, yet he ought never to exert it but upon a just and necessary occasion. It was not yet legally certain, that the duke was a papist. This was a condemning him unheard. A man's conscience was not even in his own power. It seemed therefore to be an unjustifiable severity, to cut off so great a right only for a point of opinion. It is true, it might be reasonable to secure the nation from the ill effects that
459 opinion might have upon them, which was fully done by the limitations. But it was unjust to carry it further. The protestants had charged the church of Rome heavily for the league of France, in order

to the excluding the house of Bourbon from the succession to the crown of France, because of heresy: and this would make the charge return back upon us, to our shame. In the case of infancy, or lunacy, guardians were assigned: but the right was still in the true heir. A popish prince was considered as in that state: and these limitations were like the assigning him guardians. The crown had been for several ages limited in the power of raising money; to which it may be supposed a high spirited king did not easily submit, and yet we had long maintained this: and might it not be hoped, the limitations proposed might be maintained in one reign; chiefly considering the zeal and the number of those who were concerned to support them? Other princes might think themselves obliged in honour and religion to assist him, if he was quite excluded: and it might be the occasion of a new popish league, that might be fatal to the whole protestant interest. Whereas, if the limitations passed, other princes would not so probably enter into the laws and establishment settled among us. It was said, many in the nation thought the exclusion unlawful: but all would jointly concur in the limitations: so this was the securest way, that comprehended the greatest part of the nation: and probably Scotland would not go into the exclusion, but merit at the duke's hands by asserting his title: so here was a foundation of war round about us, as well as of great distractions among ourselves: some regard was to be had to the king's honour, who had so often declared, he would not consent to an exclusion; but would to any limitations, how hard soever. 1679.

These were the chief arguments upon which this

1679. debate was managed. For my own part, I did always look on it as a wild and extravagant conceit, to deny the lawfulness of an exclusion in any case whatsoever. But for a great while I thought the accepting the limitations was the wisest and best method [e]. I saw the driving on the exclusion would probably throw us into great confusions. And therefore I made use of all the credit I had with many in both houses, to divert them from pursuing it, as they did, with such eagerness, that they would hearken to nothing else. Yet, when I saw the party so deeply engaged, and so violently set upon it, both Tillotson and I, who thought we had some interest in lord Halifax, took great pains on him, to divert him from opposing it so furiously as he did: for he became as it were the champion against the exclusion. I foresaw a great breach was like to follow. And that was plainly the game of popery, to keep us in such an unsettled state. This was like either to end in a rebellion, or in an abject submission of the nation to the humours of the court. I confess, that which I apprehended most was rebellion, though it turned afterwards quite the other way. But men
460 of more experience, and who had better advantages to make a true judgment of the temper of the nation, were mistaken as well as my self. All the progress that was made in this matter in the present parliament, was, that the bill of exclusion was read twice in the house of commons. But the parliament was dissolved before it came to a third reading [f].

Danby's prosecution.

The earl of Danby's prosecution was the point on

[e] It was the wisest, because it would be less opposed; and the king would consent to it; otherwise an exclusion would have done better. S.

[f] See p. 497. O.

which the parliament was broken. The bill of attainder for his wilful absence was passed by the commons, and sent up to the lords. But, when it was brought to the third reading, he delivered himself; and was upon that sent to the tower: upon which he moved for his trial. The man of the law he depended most upon was Pollexfen, an honest and learned, but perplexed lawyer. He advised him positively to stand upon his pardon. It was a point of prerogative never yet judged against the crown: so he might in that case depend upon the house of lords, and on the king's interest there. It might perhaps produce some act against all pardons for the future. But he thought he was secure in his pardon. It was both wiser, and more honourable for the king, as well as for himself, to stand on this, than to enter into the matter of the letters, which would occasion many indecent reflections on both. So he settled on this, and pleaded his pardon at the lords' bar: to which the commons put in a reply, questioning the validity of the pardon, on the grounds formerly mentioned. And they demanded a trial and judgment. 1679.

Upon this a famous debate arose, concerning the bishops' right of voting in any part of a trial for treason. It was said, that, though the bishops did not vote in the final judgment, yet they had a right to vote in all preliminaries. Now the allowing or not allowing the pardon to be good, was but a preliminary: and yet the whole matter was concluded by it. The lords Nottingham and Roberts argued for the bishops' voting. But the lords Essex, Shaftsbury, and Hollis were against it. Many books were writ on both sides, of which an account shall be

1679. given afterwards. But upon this debate it was carried by the majority, that the bishops had a right to vote. Upon which the commons said they would not proceed, unless the bishops were obliged to withdraw during the whole trial. And upon that breach between the two houses the parliament was prorogued: and soon after it was dissolved. And the blame of this was cast chiefly on the bishops. The truth was, they desired to have withdrawn, but the king would not suffer it. He was so set on maintaining the pardon, that he would not venture such a point on the votes of the temporal lords. And he told the bishops, they must stick to him, and to his prerogative, as they would expect that he should stick to them, if they came to be pushed at. By this means they were exposed to the popular fury.

A great heat raised against the clergy.

461 Hot people began every where to censure them, as a set of men that for their own ends, and for every punctilio that they pretended to, would expose the nation and the protestant religion to ruin. And in revenge for this, many began to declare openly in favour of the nonconformists: and upon this the nonconformists behaved themselves very indecently. For, though many of the more moderate of the clergy were trying if an advantage might be taken, from the ill state we were in, to heal those breaches that were among us, they on their part fell very severely upon the body of the clergy. The act that restrained the press was to last only to the end of the first session of the next parliament that should meet after that was dissolved. So now, upon the end of the session, the act not being revived, the press was open: and it became very licentious, both against the court and the clergy. And in this the

nonconformists had so great a hand, that the bishops and clergy, apprehending that a rebellion, and with it the pulling the church to pieces, was designed, set themselves on the other hand to write against the late times, and to draw a parallel between the present times and them: which was not decently enough managed by those who undertook the argument, and who were believed to be set on, and paid by the court for it. The chief manager of all those angry writings was one sir Roger L'Estrange[g], a man who had lived in all the late times, and was furnished with many passages, and an unexhausted copiousness in writing: so that for four years he published three or four sheets a week under the title of the Observator, all tending to defame the contrary party, and to make the clergy apprehend that their ruin was designed. This had all the success he could have wished, as it drew considerable sums that were raised to acknowledge the service he did. Upon this the greater part of the clergy, who were already much prejudiced against that party, being now both sharpened and furnished by these papers, delivered themselves up to much heat and indiscretion, which was vented both in their pulpits and common conversation, and most particularly, at the elections of parliament men: and this drew much hatred and censure upon them. They seemed now to lay down all fears and apprehensions of popery: and nothing was so common in their mouths as the year forty-one, in which the late wars begun, and which seemed now to be near the being acted over again. Both city and country were full of

1679.

The occasions that fomented that heat.

[g] A superficial meddling coxcomb. S.

1679. many indecencies that broke out on this occasion. But, as there were too many of the clergy whom the
462 heat of their tempers, and the hope of preferment drove to such extravagancies, so there were still many worthy and eminent men among them, whose lives and labours did in a great measure rescue the church from those reproaches that the follies of others drew upon it. Such were, besides those whom I have often named, Tennison, Sharp, Patrick, Sherlock, Fowler, Scot, Calamy, Claget, Cudworth, two Mores, Williams, and many others, whom, though I knew not so particularly as to give all their characters, yet they deserved a high one; and were indeed an honour, both to the church, and to the age in which they lived.

Arguments for and against the bishops voting in the preliminaries in trials of treason.

I return from this digression to give an account of the arguments by which that debate concerning the bishops voting in preliminaries was maintained. It was said, the bishops were one of three estates of which the parliament was composed, and that therefore they ought to have a share in all parliamentary matters: that as the temporal lords transmitted their honours and fees to their heirs, so the bishops did transmit theirs to their successors: and they sat in parliament, both as they were the prelates of the church, and barons of the realm: but in the time of popery, when they had a mind to withdraw themselves wholly from the king's courts, and resolved to form themselves into a state apart, upon this attempt of theirs, our kings would not dispense with their attendance: and then several regulations were made, chiefly the famed ones at Clarendon; not so much intended as restraints on them in the use of their rights as they were barons, as obligations on

them to perform all but those that in compliance with their desires were then excepted: the clergy, who had a mind to be excused from all parliamentary attendance, obtained leave to withdraw in judgments of life and death, as unbecoming their profession, and contrary to their canons. Princes were the more inclinable to this, because bishops might be more apt to lean to the merciful side: and the judgments of parliament in that time were commonly in favour of the crown against the barons: so the bishops had leave given them to withdraw from these: but they had a right to name a proxy for the clergy, or to protest for saving their rights in all other points as peers: so that this was rather a concession in their favour, than a restraint imposed on them: and they did it on design to get out of these courts as much as they could: at the reformation all such practices as were contrary to the king's prerogative were condemned: so it was said, that the king having a right by his prerogative to demand justice in parliament against such as he should accuse there, none of the peers could be excused from that by any of the constitutions made in the time of popery, which were all condemned at the reformation: the protestation they made in their asking leave to withdraw, shewed it was a voluntary act of theirs, and not imposed on them by the law of parliament: the words of the article of Clarendon seemed to import, that they might sit during the trial, till it came to the final judgment and sentence of life or limb; and by consequence, that they might vote in the preliminaries [h]. 1679. 463

[h] ("The determination of "the house of lords in the "earl of Danby's case, which "hath been ever since adhered

1679. On the other hand it was argued, that bishops could not judge the temporal lords as their peers: for if they were to be tried for high treason, they were to be judged only by a jury of commoners: and since their honour was not hereditary, they could not be the peers of those whose blood was dignified: and therefore, though they were a part of that house with relation to the legislature and judicature, yet the difference between a personal and hereditary peerage made that they could not be the judges of the temporal lords, as not being to be tried by them: the custom of parliament was the law of parliament: and since they had never judged in these cases, they could not pretend to it: their protestation was only in bar to the lords doing any thing besides the trial during the time that they were withdrawn: the words of the article of Clarendon must relate to the whole trial as one complicated thing, though it might run out into many branches: and since the final sentence did often turn upon the preliminaries, the voting in these was upon the matter the voting in the final sentence: whatever might be the first inducements to frame those articles of the clergy, which at this distance must be dark and uncertain, yet the laws and practice pursuant to them were still in force: by the act of Henry the eighth it was provided, that, till a new body of canon law should be formed, that which was then received should be still in force, unless it was contrary to the king's prerogative, or the law of

" to, is consonant to these " constitutions of Clarendon, " That the lords spiritual have " a right to stay and sit in " court in capital cases, till the " court proceeds to the vote of " guilty or not guilty." *Blackstone's Commentaries*, book iv. ch. 19. p. 264.)

the land: and it was a remote and forced inference to pretend that the prerogative was concerned in this matter. 1679.

Thus the point was argued on both sides. Dr. Stillingfleet gave upon this occasion a great proof of his being able to make himself the master of any argument which he undertook: for after the lawyers and others, conversant in parliament records, in particular the lord Hollis, who undertook the argument with great vehemence, had writ many books about it, he published a treatise that discovered more skill and exactness in judging those matters than all that had gone before him. And indeed he put an end to the controversy in the opinion of all impartial men. He proved the right that the bishops had to vote in those preliminaries, beyond contradiction in my opinion, both from our records and from our constitution[i]. But now, in the interval of parliament, other matters come to be related. Stillingfleet wrote on this point. 464

The king upon the prorogation of the parliament became sullen and thoughtful: he saw, he had to do with a strange sort of people, that could neither The trial of five Jesuits.

[i] By the great charter, (which is the undeniable constitution of England,) every man is to be tried for his life by his peers; the bishops, before the reformation, pretended they were exempt from any trial by laymen; since the reformation, they have always been tried by a jury of commoners; which puts it out of dispute who are their peers, and consequently whose peers they are. And are, in all cases whatever, obliged to give their testimony upon oath, like other people. D. (It is certain, that the bishops were anciently called peers; and the meaning of the term peer of England, is by no means uncertain, but places those to whom it is assigned, on a level with the nobility in general. It does not follow, because it has happened, that their privileges are not of equal extent with those of the temporal nobility, that the bishops are not peers of the realm, as they are denominated in an act of the 25th of Edward III.)

1679. be managed nor frightened: and from that time his temper was observed to change very visibly. He saw the necessity of calling another parliament, and of preparing matters in order to it: therefore the prosecution of the plot was still carried on. So five of the Jesuits that had been accused of it were brought to their trial: they were Whitebread their provincial, Fenwick, Harcourt, Govan, and Turner. Oates repeated against them his former evidence: and they prepared a great defence against it: for sixteen persons came over from their house at St. Omers', who testified that Oates had staid among them all the while from December seventy-seven till June seventy-eight; so that he could not possibly be at London in the April between at those consultations, as he had sworn. They remembered this the more particularly, because he sat at the table by himself in the refectory, which made his being there to be the more observed; for as he was not mixed with the scholars, so neither was he admitted to the Jesuits' table. They said, he was among them every day, except one or two in which he was in the infirmary: they also testified, that some of those who he swore came over with him into England in April had staid all that summer in Flanders. In opposition to this, Oates had found out seven or eight persons who deposed that they saw him in England about the beginning of May; and that he being known formerly to them in a clergyman's habit, they had observed him so much the more by reason of that change of habit. With one of these he dined; and he had much discourse with him about his travels. An old Dominican friar, who was still of that church and order, swore also that he saw

him, and spoke frequently with him at that time: 1679.
by this the credit of the St. Omers' scholars was quite blasted. There was no reason to mistrust those who had no interest in the matter, and swore that they saw Oates about that time; whereas the evidence given by scholars bred in the Jesuits' college, when it was to save some of their order, was liable to a very just suspicion. Bedlow now swore against them all, not upon hearsay as before, but on 465
his own knowledge; and no regard was had to his former oath mentioned in Ireland's trial. Dugdale did likewise swear against some of them: one part of his evidence seemed scarce credible. He swore, that Whitebread did in a letter that was directed to himself, though intended for F. Evers, and that came to him by the common post, and was signed by Whitebread, desire him to find out men proper to be made use of in killing the king, of what quality soever they might be. This did not look like the cunning of Jesuits, in an age in which all people made use either of ciphers or of some disguised cant. But the overthrowing the St. Omers' evidence was now such an additional load on the Jesuits, that the jury came quickly to a verdict; and they were condemned. At their execution they did with the greatest solemnity, and the deepest imprecations possible, deny the whole evidence upon which they were condemned: and protested, that they held no opinions either of the lawfulness of assassinating princes, or of the pope's power of deposing them, and that they counted all equivocation odious and sinful. All their speeches were very full of these heads. Govan's was much laboured, and too rhetorical. A very zealous protestant, that went oft to see them in pri-

1679. son, told me, that they behaved themselves with great decency, and with all the appearances both of innocence and devotion.

Langhorn's trial. Langhorn, the lawyer, was tried next: he made use of the St. Omers' scholars: but their evidence seemed to be so baffled, that it served him in no stead. He insisted next on some contradictions in the several depositions that Oates had given at several trials: but he had no other evidence of that besides the printed trials, which was no proof in law. The judges said upon this, (that which is perhaps good in law, but yet does not satisfy a man's mind,) that great difference was to be made between a narrative upon oath, and an evidence given in court. If a man was false in any one oath, there seemed to be just reason to set him aside, as no good witness. Langhorn likewise urged this, that it was six weeks after Oates's first discovery before he named him: whereas, if the commissions had been lodged with him, he ought to have been seized on and searched first of all. Bedlow swore, he saw him enter some of Coleman's treasonable letters in a register, in which express mention was made of killing the king. He shewed the improbability of this, that a man of his business could be set to register letters. Yet all was of no use to him; for he was cast. Great pains was taken to persuade him to
466 discover all he knew; and his execution was delayed for some weeks, in hopes that somewhat might be drawn from him. He offered a discovery of the estates and stock that the Jesuits had in England, the secret of which was lodged with him: but he protested, that he could make no other discovery; and persisted in this to his death. He spent the

time, in which his execution was respited, in writing some very devout and well composed meditations. He was in all respects a very extraordinary man: he was learned, and honest in his profession; but was out of measure bigoted in his religion. He died with great constancy. 1679. And death.

These executions, with the denials of all that suffered, made great impressions on many. Several books were writ, to shew that lying for a good end was not only thought lawful among them, but had been often practised, particularly by some of those who died for the gunpowder treason, denying those very things which were afterwards not only fully proved, but confessed by the persons concerned in them: yet the behaviour and last words of those who suffered made impressions which no books could carry off.

Some months after this one Serjeant, a secular priest, who had been always in ill terms with the Jesuits, and was a zealous papist in his own way, appeared before the council upon security given him; and he averred, that Govan, the Jesuit, who died protesting he had never thought it lawful to murder kings, but had always detested it, had at his last being in Flanders said to a very devout person, from whom Serjeant had it, that he thought the queen might lawfully take away the king's life for the injuries he had done her, but much more because he was a heretic. Upon that Serjeant run out into many particulars, to shew how little credit was due to the protestations made by Jesuits even at their death. This gave some credit to the tenderest part of Oates's evidence with relation to the queen. It shewed, that the trying to do it by her means had

1679. been thought of by them. All this was only evidence from second hand: so it signified little. Serjeant was much blamed for it by all his own side. He had the reputation of a sincere and good, but of an indiscreet, man[t]. The executions were generally imputed to lord Shaftsbury, who drove them on in hopes that some one or other, to have saved himself, would have accused the duke. But by these the credit of the witnesses, and of the whole plot, was sinking apace. The building so much, and shedding so much blood, upon the weakest part of it, which was the credit of the witnesses, raised a
467 general prejudice against it all; and took away the force of that, which was certainly true, that the whole party had been contriving a change of religion by a foreign assistance, so that it made not impression enough, but went off too fast. It was like the letting blood, (as one observed,) which abates a fever. Every execution, like a new bleeding, abated the heat that the nation was in; and threw us into a cold deadness, which was like to prove fatal to us.

Wakeman's trial.

Wakeman's trial came on next. Oates swore, he saw him write a bill to Ashby the Jesuit, by which he knew his hand: and he saw another letter of his writ in the same hand, in which he directed Ashby, who was then going to the Bath, to use a milk diet, and to be pumped at the Bath; and that in that letter he mentioned his zeal in the design of killing the king. He next repeated all the story he had sworn against the queen: which he brought only to make it probable that Wakeman, who was her phy-

[k] (There somewhere exists an account of the dealings of the prosecutors with him. He was an eminent controversial writer amongst the Romanists, an opponent of Hammond, Bramhall, and Tillotson.)

sician, was in it. To all this Wakeman objected, 1679.
that at first Oates accused him only upon hearsay, and did solemnly protest he knew nothing against him: which was fully made out. So he said, all that Oates now swore against him must be a forgery not thought of at that time. He also proved by his own servant, and by the apothecary at the Bath, that Ashby's paper was not writ, but only dictated by him: for he happened to be very weary when he came for it, and his man wrote it out: and that of the milk diet was a plain indication of an ill laid forgery, since it was known that nothing was held more inconsistent with the Bath water than milk. Bedlow swore against him, that he saw him receive a bill of 2000*l.* from Harcourt in part of a greater sum; and that Wakeman told him afterwards that he had received the money; and that Harcourt told him for what end it was given, for they intended the king should be killed, either by those they sent to Windsor, or by Wakeman's means: and if all other ways failed, they would take him off at Newmarket. Bedlow in the first giving his evidence deposed, that this was said by Harcourt when Wakeman was gone out of the room. But observing, by the questions that were put him, that this would not affect Wakeman, he swore afterwards, that he said it likewise in his hearing. Wakeman had nothing to set against all this, but that it seemed impossible that he could trust himself in such matters to such a person: and if Oates was set aside, he was but one witness. Three other Benedictine priests were tried with Wakeman. Oates swore, that they were in the plot of killing the king; that one of them, being their superior, had engaged to give 6000*l.* to-

1679. wards the carrying it on. Bedlow swore somewhat
468 circumstantial to the same purpose against two of them: but that did not rise up to be treason: and he had nothing to charge the third with. They proved, that another person had been their superior for several years; and that Oates was never once suffered to come within their house, which all their servants deposed. And they also proved, that when Oates came into their house the night after he made his discovery, and took Pickering out of his bed, and saw them, he said, he had nothing to lay to their charge. They urged many other things to destroy the credit of the witnesses: and one of them made a long declamation, in a high bombast strain, to shew what credit was due to the speeches of dying men. The eloquence was so forced and childish, that this did them more hurt than good. Scroggs summed up the evidence very favourably for the prisoners, far contrary to his former practice. The truth is, that this was looked on as the queen's trial,
He was acquitted. as well as Wakeman's. The prisoners were acquitted: and now the witnesses saw they were blasted. And they were enraged upon it; which they vented with much spite upon Scroggs. And there was in him matter enough to work on for such foul mouthed people as they were. The queen got a man of great quality to be sent over ambassador from Portugal, not knowing how much she might stand in need of such a protection. He went next day with great state to thank Scroggs for his behaviour in this trial. If he meant well in this compliment, it was very unadvisedly done: for the chief justice was exposed to much censure by it. And therefore some thought it was a shew of civility done on de-

sign to ruin him. For, how well pleased soever the papists were with the success of this trial, and with Scroggs's management, yet they could not be supposed to be so satisfied with him, as to forgive his behaviour in the former trials, which had been very indecently partial and violent. 1679.

Debates about dissolving the parliament.

It was now debated in council whether the parliament, now prorogued, should be dissolved or not. The king prevailed on the lords of Essex and Halifax to be for a dissolution, promising to call another parliament next winter[1]. Almost all the new counsellors were against the dissolution. They said, the crown had never gained any thing by dissolving a parliament in anger: the same men would probably be chosen again, while all that were thought favourable to the court would be blasted, and for the most part set aside. The new men thus chosen, being fretted by a dissolution, and put to the charge and trouble of a new election, they thought the next par- 469
liament would be more uneasy to the king than this if continued. Lord Essex and Halifax on the other hand argued, that since the king was fixed in his resolutions, both with relation to the exclusion and to the lord Danby's pardon, his parliament had engaged so far in both these, that they could not think

[1] I find by the duke's letters, he was pleased with the dissolution, but not with the so speedy calling of another, which he said was only two months delay, and was giving them so much time to concert their measures better against their next meeting; for he had little hopes a new parliament would differ much from the last. But his jealousies of the king continued: for in one he says, "it "is strange his majesty has not "written to me, neither in an- "swer to what I wrote by Gra- "ham, nor now upon breaking "the parliament. I am not "used like a brother nor a "friend. Press to have some "mark of displeasure shewn to "Armstrong; if that be not "done, I know what I am to "expect." D.

1679. that these would be let fall: whereas a new parliament, though composed of the same members, not being yet engaged, might be persuaded to take other methods. The king followed this advice, which he had directed himself: two or three days after, lord Halifax was made an earl, which was called the reward of his good counsel. And now the hatred between the earl of Shaftsbury and him broke out into many violent and indecent instances. On lord Shaftsbury's side more anger appeared, and more contempt on lord Halifax's. Lord Essex was a softer man, and bore the censure of the party more mildly: he saw how he was cried out on for his last advice: but as he was not apt to be much heated, so all he said to me upon it was, that he knew he was on a good bottom, and that good intentions would discover themselves, and be justified by all in conclusion.

The affairs of Scotland.

I now put a stop in the further relation of affairs in England, to give an account of what passed in Scotland. The party against duke Lauderdale had lost all hopes, seeing how affairs were carried in the last convention of estates: but they began to take heart upon this great turn in England. The duke was sent away, and the lord Danby was in the tower, who were that duke's chief supports: and when the new council was settled, duke Hamilton and many others were encouraged to come up and accuse him. The truth was, the king found his memory was failing him; and so he resolved to let him fall gently, and bring all Scotish affairs into the duke of Monmouth's hands. The Scotish lords were desired, not only by the king, but by the new ministers, to put the heads of their charge against duke Lauderdale in writing; and the king promised

to hear lawyers on both sides, and that the earls of Essex and Halifax should be present at the hearing. Mackenzie was sent for, being the king's advocate, to defend the administration; and Lockhart and Cunningham were to argue against it. The last of these had not indeed Lockhart's quickness, nor his talent in speaking; but he was a learned and judicious man, and had the most universal, and indeed the most deserved reputation for integrity and virtue of any man, not only of his own profession, but of the whole nation. The hearing came on as was promised; and it was made out beyond the possibility of an answer, that the giving commissions to an army to live on free quarters in a quiet time was against the whole constitution, as well as the express laws of that kingdom; and that it was never done but in an enemy's country, or to suppress a rebellion: they shewed likewise, how unjust and illegal all the other parts of his administration were. The earls of Essex and Halifax told me every thing was made out fully; Mackenzie having nothing to shelter himself in, but that flourish in the act against field conventicles, in which they were called the rendezvous of rebellion; from which he inferred, that the country where these had been frequent was in a state of rebellion. Kings naturally love to hear prerogative magnified: yet on this occasion the king had nothing to say in defence of the administration. But when May, the master of the privy purse, asked him in his familiar way what he thought now of his Lauderdale, he answered, as May himself told me, that they had objected many damned things that he had done against them, but there was nothing objected that was against his service. Such are the

1679. 470

1679. notions that many kings drink in, by which they set up an interest for themselves in opposition to the interest of the people: and as soon as the people observe that, which they will do sooner or later, then they will naturally mind their own interest, and set it up as much in opposition to the prince: and in this contest the people will grow always too hard for the prince, unless he is able to subdue and govern them by an army. The duke of Monmouth was beginning to form a scheme of a ministry: but now the government in Scotland was so remiss, that the people apprehended they might run into all sort of confusion. They heard that England was in such distractions that they needed fear no force from thence. Duke Lauderdale's party was losing heart, and were fearing such a new model there, as was set up here in England. All this set those mad people that had run about with the field conventicles into a phrensy: they drew together in great bodies: some parties of the troops came to disperse them, but found them both so resolute and so strong, that they did not think fit to engage them: sometimes they fired on one another, and some were killed of both sides.

The Archbishop of St. Andrew's is murdered.

When a party of furious men were riding through a moor near St. Andrew's, they saw the archbishop's coach appear: he was coming from a council day, 471 and was driving home: he had sent some of his servants home before him, to let them know he was coming, and others he had sent off on compliments; so that there was no horsemen about the coach. They seeing this, concluded, according to their frantic enthusiastic notions, that God had now delivered up their greatest enemy into their hands: seven of

them made up to the coach, while the rest were as scouts riding all about the moor. One of them fired a pistol at him, which burnt his coat and gown, but did not go into his body: upon this they fancied he had a magical secret to secure him against a shot; and they drew him out of his coach, and murdered him barbarously, repeating their strokes till they were sure he was quite dead: and so they got clear off, no body happening to go cross the moor all the while[m]. This was the dismal end of that unhappy man: it struck all people with horror, and softened his enemies into some tenderness[n]: so that his memory was treated with decency by those who had very little respect for him during his life. 1679.

A week after that, there was a great field conventicle held within ten miles of Glasgow: a body of the guards engaged with them, and they made such A rebellion in Scotland.

[m] (According to the apologetical account of one of the assassins, given in a book called The Memoirs of the Church of Scotland, Lond. 1717. p. 207. they had resolved to kill a gentleman, one of their enemies, and had been lying in ambush for that purpose, when they were informed of the archbishop's being on the road. But the accounts published at the very time report, that inquiries had been previously made by them after him. Some servants were attending; for in the above apology, and in a narrative of this murder affixed to the life of the archbishop, printed in 1723, they are expressly said to have been disarmed by the ruffians. They rifled the pockets of the archbishop and of his daughter, and wounded the latter whilst she was clinging to her father. Such were the dreadful effects of fanaticism irritated by persecution, at a time when the principles of religious liberty were little understood, and less acted upon.)

[n] (At the time of the archbishop's death, in order to exonerate the covenanters from the guilt of it, their friends in England gave out, that he died by the hands of his private enemies, whom he had grossly injured; amongst whom, they said, was his steward. See Algernon Sydney's Letters to Mr. H. Savile, pp. 65. 72. A relation also, conformable to these particulars, is printed in the first volume of Cogan's Collection of Tracts, p. 385.)

1679. vigorous resistance, that the guards, having lost thirty of their number, were forced to run for it°: so the conventicle formed itself into a body, and marched to Glasgow: the person that led them had been bred by me, while I lived at Glasgow, being the younger son of Sir Tho. Hamilton that had married my sister, but by a former wife: he was then a lively, hopeful young man: but getting into that company, and into their notions, he became a crack-brained enthusiast; [and under the shew of a hero, was an ignominious coward.] Duke Lauderdale and his party published every where that this rebellion was headed by a nephew of mine, whom I had prepared for such a work while he was in my hands: their numbers were so magnified, that a company or two which lay at Glasgow retired in all haste, and left the town to them, though they were then not above four or five hundred; and these were so ill armed, and so ill commanded, that a troop of horse could have easily dispersed them. The council at Edinburgh sent the earl of Linlithgow against them with a thousand foot, two hundred horse, and two hundred dragoons: a force much greater than was necessary for making head against such a rabble. He marched till he came within ten miles of them; and then he pretended he had intelligence that they were above eight thousand strong; so he marched back; for he said, it was the venturing the whole force the
472 king had upon too great an inequality: he could never prove that he had any such intelligence: some imputed this to his fear: others thought, that being much engaged with duke Lauderdale, he did this on purpose to give them time to increase their num-

° For what? S.

bers: and thought their madness would be the best justification of all the violences that had been committed in duke Lauderdale's administration. Thus the country was left in their hands: and if there had been any designs or preparations made formerly for a rebellion, now they had time enough to run together, and to form themselves: but it appeared that there had been no such designs, by this, that none came into it but those desperate intercommoned men, who were as it were hunted from their houses into all those extravagances that men may fall in, who wander about inflaming one another, and are heated in it with false notions of religion. The rebels, having the country left to their discretion, fancied that their numbers would quickly increase: and they set out a sort of manifesto, complaining of the oppressions they lay under, asserting the obligation of the covenant: and they concluded it with the demand of a free parliament. When the news of this came to court, duke Lauderdale said, it was the effect of the encouragement that they had from the king's hearkening to their complaints: whereas all indifferent men thought it was rather to be imputed to his insolence and tyranny. 1679.

Monmouth sent down to suppress it.

The king resolved to lose no time: so he sent the duke of Monmouth down post, with full powers to command in chief: and directions were sent to some troops that lay in the north of England to be ready to march upon his orders. Duke Lauderdale apprehended that those in arms would presently submit to the duke of Monmouth, if there was but time given for proper instruments to go among them, and that then they would pretend they had been forced into that rising by the violence of the government:

1679. so he got the king to send positive orders after him, that he should not treat with them, but fall on them immediately: yet he marched so slowly that they had time enough given them to dispose them to a submission. They fixed at Hamilton, near which there is a bridge on Clide, which it was believed they intended to defend: but they took no care of it. They sent some to treat with the duke of Monmouth: he answered, that if they would submit to the king's mercy, and lay down their arms, he would interpose for their pardon, but that he would not treat with them as long as they were in arms: and
473 some were beginning to press their rendering themselves at discretion: they had neither the grace to submit, nor the sense to march away, nor the courage to fight it out: but suffered the duke of Monmouth to make himself master of the bridge. They were then four thousand men: but few of them were well armed: if they had charged those that came first over the bridge, they might have had some advantage: but they looked on like men that had lost both sense and courage: and upon the first charge they threw down their arms, and ran away: there were between two or three hundred killed, and twelve hundred taken prisoners. The duke of Monmouth stopped the execution that his men were making as soon as he could, and saved the prisoners; for some moved, that they should be all killed upon the spot. Yet this was afterwards objected to him as a neglect of the king's service, and as a courting the people: the duke of York talked of it in that strain: and the king himself said to him, that if he had been there, they should not have had the trouble of prisoners: he answered,

They were soon broken.

he could not kill men in cold blood; that was work only for butchers. Duke Lauderdale's creatures pressed the keeping the army some time in that country, on design to have eat it up: but the duke of Monmouth sent home the militia, and put the troops under discipline: so that all that country was sensible that he had preserved them from ruin: the very fanatical party confessed that he treated them as gently as possible, considering their madness: he came back to court as soon as he had settled matters, and moved the king to grant an indemnity for what was past, and a liberty to hold meetings under the king's licence or connivance: he shewed the king that all this madness of field conventicles flowed only from the severity against those that were held within doors [p]. Duke Lauderdale drew the indemnity in such a manner, that it carried in some clauses of it a full pardon to himself and all his party; but he clogged it much with relation to those for whom it was granted. All gentlemen, preachers, and officers were excepted out of it; so that the favour of it was much limited; two of their preachers were hanged, but the other prisoners were let go upon their signing a bond for keeping the peace: two hundred of them were sent to Virginia, but they were all cast away at sea. Thus ended this tumultuary rebellion, which went by the name of Bothwell-bridge, where the action was. The king soon after sent down orders for allowing meeting-houses: but the duke of Mon- 1679.

[p] The duke, in a letter from Edinburgh, says, "I find the "generality of the best men "here much troubled at the "indulgence the duke of Mon- "mouth gott for the phanatics "here, after they had been "beaten, and say it will encou- "rage them to another rebel- "lion." D.

1679. mouth's interest sunk so soon after this, that these
474 were scarce opened when they were shut up again: their enemies said, this looked like a rewarding them for their rebellion.

The king taken ill, and the duke comes to court.

An accident happened soon after this, that put the whole nation in a fright, and produced very great effects: the king was taken ill at Windsor of an intermitting fever: the fits were so long and so severe, that the physicians apprehended he was in danger: upon which he ordered the duke to be sent for, but very secretly; for it was communicated to none but to the earls of Sunderland, Essex, and Halifax. The duke made all possible haste, and came in disguise through Calais, as the quicker passage: but the danger was over before he came: the fits did not return after the king took *quinquina*, called in England the Jesuits' powder, (or bark:) as he recovered, it was moved that the duke should be again sent beyond sea: he had no mind to it: but when the king was positive in it, he moved that the duke of Monmouth should be put out of all command, and likewise sent beyond sea. The duke of Monmouth's friends advised him to agree to this; for he might depend on it, that as soon as the parliament met, an address would be made to the king for bringing him back, since his being thus divested of his commissions, and sent away at the duke's desire, would raise his interest in the nation.

The many false stories spread to raise jealousy.

At this time the party that began to be made for the duke of York were endeavouring to blow matters up into a flame every where: of which the earl of Essex gave me the following instance, by which it was easy to judge what sort of intelligence they were apt to give, and how they were possessing the

king and his ministers with ill-grounded fears: he 1679.
came once to London on some treasury business the day before the common hall was to meet in the city: so the spies that were employed to bring news from all corners came to him, and assured him that it was resolved next day to make use of the noise of that meeting, and to seize on the Tower, and do all such things as could be managed by a popular fury. The advertisements came to him from so many hands, that he was inclined to believe there was somewhat in it: some pressed him to send soldiers into the tower and to the other parts of the city. He would not take the alarm so hot, but he sent to the lieutenant of the tower to be on his guard: and he ordered some companies to be drawn up in Covent Garden and in Lincoln's Inn Fields: and he had two hundred men ready, and barges prepared to carry them to the tower, if there should have been the least shadow of tumult: but he would not seem to fear a disorder too much, lest perhaps that 475
might have produced one: yet after all the affrightening stories that had been brought him, the next day passed over very calmly, it not appearing by the least circumstance that any thing was designed, besides the business for which the common hall was summoned. He often reflected on this matter: those mercenary spies are very officious, that they may deserve their pay; and they shape their story to the tempers of those whom they serve: and to such creatures, and to their false intelligence, I imputed a great deal of the jealousy that I found the king possessed with. Both the dukes went now beyond sea: and that enmity which was more secret before, and was covered with a court civility, did now break

1679. out open and barefaced[q]. But it seemed that the duke of York had prevailed with the king not to call the parliament that winter, in hope that the heat the nation was in would with the help of some time grow cooler, and that the party that began now to declare more openly for the right of succession would gain ground. There was also a pretended discovery now ready to break out, which the duke might be made believe could carry off the plot from the papists, and cast it on the contrary party.

A pretended plot discovered, called the meal-tub plot.

Dangerfield, a subtle and dexterous man, who had gone through all the shapes and practices of roguery, and in particular was a false coiner, undertook now to coin a plot[r] for the ends of the papists. He was in gaol for debt, and was in an ill intrigue with one Cellier, a popish midwife, who had a great share of wit, and was abandoned to lewdness. She got him to be brought out of prison, and carried him to the countess of Powis, a zealous managing papist. He, after he had laid matters with her, as

[q] The duke writes, in a letter from Brussels, "I see his majesty has been much misinformed as to some things concerning the duke of Monmouth; for lord chancellor Hyde never went about to put any jealousies into my head of my nephew: what he did about the patent was only what any man that understood the law was obliged to, and I do not remember he ever opened his mouth to me of it. And till he spake to me himself, at Windsor, five or six years ago, of his having a mind to be general, I never took any thing ill of him, nor grew jealous of him: but after what I had said to him upon that subject, of my reasons against it, and that I told him then, freely, he was not to expect my friendship if ever he pretended to it, or had it; one cannot wonder if I was against any thing that did increase his power in military affairs, as his being colonel of foot guards would have done, especially when I saw he used all little arts by degrees to compass his point of being general." D.

[r] Witty. S.

will afterwards appear, got into all companies, and mixed with the hottest men of the town, and studied to engage others with himself to swear, that they had been invited to accept of commissions, and that a new form of government was to be set up, and that the king and the royal family were to be sent away. He was carried with this story, first to the duke, and then to the king, and had a weekly allowance of money, and was very kindly used by many of that side; so that a whisper run about town, that some extraordinary thing would quickly break out: and he having some correspondence with one colonel Mansel, he made up a bundle of seditious but ill contrived letters, and laid them in a dark corner of his room: and then some searchers were sent from the custom house to look for some forbidden goods, which they heard were in Mansel's chamber. There were no goods found: but as it was laid, they found that bundle of letters: and upon that a great noise was made of a discovery: but upon inquiry it appeared the letters were counterfeited, and the forger of them was suspected; so they searched into all Dangerfield's haunts, and in one of them they found a paper that contained the scheme of this whole fiction, which, because it was found in a meal-tub, came to be called the meal-tub plot. Dangerfield was upon that clapt up, and he soon after confessed how the whole matter was laid and managed: in which it is very probable he mixed much of his own invention with truth, for he was a profligate liar. This was a great disgrace to the popish party, and the king suffered much by the countenance he had given him: the earls of Essex

1679. 476

1679. and Halifax were set down in the scheme to be sworn against with the rest [s].

Great jealousies of the king.

Upon this they pressed the king vehemently to call a parliament immediately. But the king thought that if a parliament should meet while all men's spirits were sharpened by this new discovery, he would find them in worse temper than ever: when the king could not be prevailed on to do that, lord Essex left the treasury. The king was very uneasy at this. But lord Essex was firm in his resolution not to meddle in that post more, since a parliament was not called: yet, at the king's earnest desire, he continued for some time to go to council. Lord Halifax fell ill, much from a vexation of mind: his spirits were oppressed, a deep melancholy seizing him: for a fortnight together I was once a day with him, and found then that he had deep (deeper) impressions of religion on him [than those who knew the rest of his life would have thought him capable of.] Some foolish people gave it out that he was mad: but I never knew him so near a state of true wisdom as he was at that time. He was much troubled at the king's forgetting his promise to hold a parliament that winter; and expostulated severely upon it with some that were sent to him from the king: he was offered to be made secretary of state, but he refused it. Some gave it out that he pretended to be lord lieutenant of Ireland, and was uneasy when that was denied him: but he said to

[s] (But see North's Examen, p. 256—271. This egregious villain, Dangerfield, in the next year, just before the bill of exclusion was brought up from the commons to the house of lords, accused the duke of York, of having proposed to him to kill the king.)

me that it was offered him, and he had refused it. 1679.
He did not love, he said, a new scene, nor to dine with sound of trumpet and thirty-six dishes of meat on his table. He likewise saw that lord Essex had a mind to be again there; and he was confident he was better fitted for it than he himself was. My being much with him at that time was reflected on: 477
it was said, I had heightened his disaffection to the court: [and Hyde, made then a lord, objected it to me.] I was with him only as a divine.

The court went on in their own pace: lord Tweedale being then at London moved the earl of Peterborough, that it would be more honourable, and more for the duke's interest, instead of living beyond sea, to go and live in Scotland. Lord Peterborough went immediately with it to the king, who approved of it. So notice was given the duke: and he was appointed to meet the king at Newmarket in October. Lord Tweedale saw, that since the duke of Monmouth had lost his credit with the king, duke Lauderdale would again be continued in his posts; and that he would act over his former extravagances: whereas he reckoned that this would be checked by the duke's going to Scotland: and that he would study to make himself acceptable to that nation, and bring things among them into order and temper. The duke met the king at Newmarket, as it was ordered: but upon that the earl of Shaftsbury, who was yet president of the council, though he had quite lost all his interest in the king, called a council at Whitehall, and represented to them the danger the king was in by the duke's being so near him; and pressed the council to represent this to the king. But they did not agree to it: and upon

1679. the king's coming to London he was turned out, and lord Roberts, made then earl of Radnor, was made lord president.

Monmouth's disgrace.

The duke went to Scotland soon after: and upon that the duke of Monmouth grew impatient, when he found he was still to be kept beyond sea. He begged the king's leave to return: but when he saw no hope of obtaining it, he came over without leave. The king upon that would not see him, and required him to go back; on which his friends were divided. Some advised him to comply with the king's pleasure: but he gave himself fatally up to the lord Shaftsbury's conduct, who put him on all the methods imaginable to make himself popular. He went round many parts of England, pretending it was for hunting and horse matches, many thousands coming together in most places to see him: so that this looked like the mustering up the force of the party: but it really weakened it: many grew jealous of the design, and fancied here was a new civil war to be raised. Upon this they joined in with the duke's party. Lord Shaftsbury set also on foot petitions for a parliament, in order to the securing the king's person and the protestant religion. These were carried about and signed in many places, not-

Petitions for a parliament.

478 withstanding the king set out a proclamation against them: upon that a set of counter-petitions was promoted by the court, expressing an abhorrence of all seditious practices, and referring the time of calling a parliament wholly to the king. There were not such numbers that joined in the petitions for the parliament as had been expected: so this shewed rather the weakness than the strength of the party: and many well meaning men began to dislike those

practices, and to apprehend that a change of government was designed. 1679.

Some made a reflection on that whole method of proceeding, which may deserve well to be remembered: in the intervals of parliament, men that complain of the government by keeping themselves in a sullen and quiet state, and avoiding cabals and public assemblies, grow thereby the stronger, and more capable to make a stand when a parliament comes: whereas by their forming of parties out of parliament, unless in order to the managing of elections, they do both expose themselves to much danger, and bring an ill character on their designs over the nation; which naturally loves parliamentary cures, but is jealous of all other methods.

Great discontent on all sides.

The king was now wholly in the duke's interest, and resolved to pass that winter without a parliament. Upon which the lords Russel and Cavendish, sir Henry Capel and Mr. Powel, four of the new counsellors, desired to be excused from their attendance in council. Several of those who were put in the admiralty and in other commissions, desired likewise to be dismissed: with this the king was so highly offended, that he became more sullen and intractable than he had ever been before.

Godolphin's character.

The men that governed now were the earl of Sunderland, lord Hyde, and Godolphin: the last of these was a younger brother of an ancient family in Cornwall, that had been bred about the king from a page, and was now considered as one of the ablest men that belonged to the court: he was the silentest and modestest man that was perhaps ever bred in a court. He had a clear apprehension, and despatched business with great method, and with so

1679. much temper, that he had no personal enemies: but his silence begot a jealousy, which has hung long upon him. His notions were for the court: but his incorrupt and sincere way of managing the concerns of the treasury created in all people a very high esteem for him. He loved gaming the most of any man of business I ever knew; and gave one reason for it, because it delivered him from the obligation
479 to talk much: he had true principles of religion[t] and virtue, and was free from all vanity, and never heaped up wealth: so that all things being laid together, he was one of the worthiest and wisest men that has been employed in our time[u]: and he has had much of the confidence of four of our succeeding princes[x].

1680. In the spring of the year eighty the duke had leave to come to England; and continued about the king till next winter, that (when) the parliament was to sit. Foreign affairs seemed to be forgot by our court. The prince of Orange had projected an alliance

An alliance projected against France.

[t] Sir Thomas Dyke told me, in king James the second's reign, Ellis, one of the four popish bishops, told him, that lord Godolphin was in doubts, and that there were masses said every day in the king's chapel for his conversion: to which he answered, "If he is "in doubt with you, he is out "of doubt with me." D.

[u] All this very partial to my knowledge. S. (Yet in the character of lord Godolphin drawn by Swift himself, in his History of the Four last Years of queen Anne, p. 18, there is nothing very inconsistent with this account of him.)

[x] King Charles gave him a short character when he was page, which he maintained to his life's end, of being never *in* the way, nor *out* of the way. His great skill lay in finding out what were his prince's inclinations, which he was very ready to comply with; but had a very morose, haughty behaviour to every body else, and could disoblige people by his looks, more than he could have done by any thing he could have said to them; though his answers were commonly very short and shocking. D.

against France: and most of the German princes were much disposed to come into it: for the French had set up a new court at Metz, in which many princes were, under the pretence of dependencies, and some old forgot or forged titles, judged to belong to the new French conquests. This was a mean as well as a perfidious practice, in which the court of France raised much more jealousy and hatred against themselves, than could ever be balanced by such small accessions as were adjudged by that mock court. The earl of Sunderland entered into a particular confidence with the prince of Orange, which he managed by his uncle Mr. Sidney, who was sent envoy to Holland: the prince seemed confident, that if England would come heartily into it, a strong confederacy might then have been formed against France. Van Beuning was then in England: and he wrote to the town of Amsterdam, that they could not depend on the faith or assistance of England. He assured them the court was still in the French interest: he also looked on the jealousy between the court and the country party as then so high, that he did not believe it possible to heal matters so as to encourage the king to enter into any alliance that might draw on a war: for the king seemed to set that up for a maxim, that his going into a war was the putting himself into the hands of his parliament; and was firmly resolved against it. Yet the project of a league was formed: and the king seemed inclined to go into it, as soon as matters could be well adjusted at home. 1680.

The election of the Sheriffs of London.

There was this year at Midsummer a new practice begun in the city of London, that produced very ill consequences. The city of London has by char-

1680. ter the shrivalry of Middlesex, as well as of the city: and the two sheriffs were to be chosen on Midsummer day. But the common method had been for the lord mayor to name one of the sheriffs by drinking to him on a public occasion: and that nomination was commonly confirmed by the common hall: and then they named the other sheriff. The truth was, the way in which the sheriffs lived made it a charge of about 5000*l.* a year: so they took little care about it, but only to find men that would bear the charge; which recommended them to be chosen aldermen upon the next vacancy, and to rise up according to their standing to the mayoralty, which generally went in course to the senior alderman. When a person was set up to be sheriff that would not serve, he compounded the matter for 400*l.* fine. All juries were returned by the sheriffs: but they commonly left that wholly in the hands of their under sheriffs: so it was now pretended that it was necessary to look a little more carefully after this matter. The under sheriffs were generally attorneys, and might be easily brought under the management of the court: so it was proposed, that the sheriffs should be chosen with more care, not so much that they might keep good tables, as that they should return good juries. The person to whom the present mayor had drunk was set aside: and Bethel and Cornish were chosen sheriffs for the ensuing year. Bethel was a man of knowledge, and had writ a very judicious book of the interests of princes[y]: but as he was a known republican in principle, so he was a sullen and wilful man; and

[y] (The Interests of Princes and States. Lond. 1680. 8vo. anonymous.)

turned from the ordinary way of a sheriff's living into the extreme of sordidness, which was very unacceptable to the body of the citizens, and proved a great prejudice to the party. Cornish, the other sheriff, was a plain, warm, honest man; and lived very nobly all his year: the court was very jealous of this, and understood it to be done on design to pack juries: so that the party should be always safe, whatever they might engage in. It was said, that the king would not have common justice done him hereafter against any of them, how guilty soever. The setting up Bethel gave a great colour to this jealousy; for it was said, he had expressed his approving the late king's death in very indecent terms. These two persons had never before received the sacrament in the church, being independents: but they did it now to qualify themselves for this office, which gave great advantages against the whole party: it was said, that the serving an end was a good resolver of all cases of conscience, and purged all scruples. 1680.

Thus matters went on till the winter eighty, in which the king resolved to hold a session of parliament. He sent the duke to Scotland a few days before their meeting: and upon that the duchess of Portsmouth declared openly for the exclusion; and so did lord Sunderland and Godolphin. Lord Sunderland assured all people, that the king was resolved to settle matters with his parliament on any terms, since the interest of England and the affairs of Europe made a league against France indispensably necessary at that time; which could not be done without a good understanding at home. Lord Sunderland sent lord Arran for me: I declined this 481

1680. new acquaintance as much as I could: but it could not be avoided: he seemed then very zealous for a happy settlement: and this I owe him in justice, that though he went off from the measures he was in at that time, yet he still continued personally kind to my self: now the great point was, whether the limitations should be accepted, and treated about, or the exclusion be pursued. Lord Halifax assured me, that any limitations whatsoever that should leave the title of king to the duke, though it should be little more than a mere title, might be obtained of the king: but that he was positive and fixed against the exclusion. It is true, this was in a great measure imputed to his management, and that he had wrought the king up to it.

The bill of exclusion again taken up.

The most specious handle for recommending the limitations was this: the duke declared openly against them: so if the king should have agreed to them, it must have occasioned a breach between him and the duke: and it seemed to be very desirable to have them once fall out; since, as soon as that was brought about, the king of his own accord and for his own security might be moved to promote the exclusion. The truth is, lord Halifax's hatred of the earl of Shaftsbury, and his vanity in desiring to have his own notion preferred, sharpened him at that time to much indecency in his whole deportment: but the party depended on the hopes that lady Portsmouth and lord Sunderland gave them: many meetings were appointed between lord Halifax and some leading men; in which as he tried to divert them from the exclusion, so they studied to persuade him to it, both without effect. The majority had engaged themselves to promote the ex-

clusion; lord Russel moved it first in the house of commons, and was seconded by Capel, Mountague, and Winnington: Jones came into the house a few days after this, and went with great zeal into it: Jenkins, now made secretary of state in Coventry's place, was the chief manager for the court. He was a man of an exemplary life, and considerably learned: but he was dull and slow: he was suspected of leaning to popery, though very unjustly: but he was set on every punctilio of the church of England to superstition, and was a great assertor of the divine right of monarchy, and was for carrying the prerogative high: he neither spoke nor writ well: but being so eminent for the most courtly qualifications, other matters were the more easily dispensed with. All his speeches and arguments against the exclusion were heard with indignation: so the bill was brought into the house. It was moved by those who opposed it, that the duke's daughters might be named in it, as the next in the succession: but it was said, that was not necessary; for since the duke was only personally disabled, as if he had been actually dead, that carried the succession over to his daughters: yet this gave a jealousy, as if it was intended to keep that matter still undetermined; and that upon another occasion it might be pretended, that the disabling the duke to succeed did likewise disable him to derive that right to others, which was thus cut off in himself. But though they would not name the duke's daughters, yet they sent such assurances to the prince of Orange, that nothing thus proposed could be to his prejudice; that he believed them, and declared his desire, that the king would fully satisfy his parlia-

1680.

482

Passed by the commons.

1680. ment: the States sent over memorials to the king, pressing him to consent to the exclusion. The prince did not openly appear in this: but it being managed by Fagel, it was understood that he approved of it: and this created a hatred in the duke to him, which was never to be removed. Lord Sunderland, by Sidney's means, engaged the States into it: and he fancied that it might have some effect.

The bill of exclusion was quickly brought up to the lords. The earls of Essex and Shaftsbury argued most for it: and the earl of Halifax was the champion on the other side: he gained great honour in the debate; and had a visible superiority to lord Shaftsbury in the opinion of the whole house: and that was to him triumph enough. In conclusion, the bill was thrown out upon the first reading: the country party brought it nearer an equality [z] than was imagined they could do, considering the king's earnestness in it, and that the whole bench of the bishops was against it [a]. The commons were in-

But rejected by the lords.

[z] 63 to 30. O.

[a] Except three. See Echard. The three, it has been said, were, Compton, Pearson, and Lamplugh. qu. the Journal of the Lords as to those three bishops being that day in the house. They were of London, Chester, and Exeter. O. (The bishop of Chester, at that time the most learned Dr. Pearson, is not in the number of those who were present or voted on this occasion. Neither does it appear from the Journal of the House of Lords, who voted on one side, or who on the other, when the bill was rejected. But Chandler, in his History and Proceedings, reports, as well as Echard, that the contents for its rejection were 63, and the not contents 30, the bishops being all for rejecting it except three. It is now however practicable to correct the above statement, which is admitted into general history, that three of the bishops voted for the exclusion of the duke of York; a list of those peers who voted for the bill of exclusion having been lately found by the head librarian of the Bodleian library, Mr. Bandinel, among the Ormonde papers bequeathed to the library by Carte the historian. They are all

flamed, when they saw the fate of their bill: they voted an address to the king to remove lord Halifax from his counsels and presence for ever: which was an unparliamentary thing; since it was visible that it was for his arguing as he did in the house of lords, though they pretended it was for his advising the dissolution of the last parliament: but that was a thin disguise of their anger: yet without destroying the freedom of debate, they could not found their address on that which was the true cause of it. Russel and Jones, though formerly lord Halifax's friends, thought it was enough not to speak against him in the house of commons: but they sat silent. Some called him a papist: others said he was an atheist. Chichely, that had married his mother, moved, that I might be sent for to satisfy the house as to the truth of his religion. I wish I could have said as much to have persuaded them that he was a 1680. 483

temporal peers, thirty in number, and to the list of their names this note is subjoined; "Thus all the fourteen bi- "shops, and forty-nine tempo- "ral peers, (63 in the whole,) "voted for its being rejected." So MS. Carte. J. J. J. But, as Chandler above cited asserts, that "upon the first reading of "the bill, it was carried in the "affirmative that it should be "committed by two voices on- "ly," it is probable, that three of the bishops were for its committal; which gave rise to the other report. That bishop Pearson ever voted for this bill, was always highly improbable. The conduct indeed of the duke of York after his accession to the throne, when he abused the royal prerogative to the subversion of the legally established religion, afforded a triumph to the exclusionists; but Pearson would never have consented to set aside the next heir of an hereditary monarchy, and to ruin an individual, on account of that religion, which he had protested should be a matter solely between God and his own soul. The intrigues with France were at that time either not credited, or at least the professed object of them known to few; although it must be acknowledged, that the wise and good had long been apprehensive of "the secret machi- "nations of the papal faction," to use the words of the same bishop in the conclusion of a scarce sermon preached by him in 1673.)

1680. good Christian, as that he was no papist: I was at that time in a very good character in that house: the first volume of the History of the Reformation was then out; and was so well received, that I had the thanks of both houses for it, and was desired by both to prosecute that work. The parliament had made an address to the king for a fast day. Dr. Sprat and I were ordered to preach before the house of commons: my turn was in the morning: I mentioned nothing relating to the plot, but what appeared in Coleman's letters: yet I laid open the cruelties of the church of Rome in many instances that happened in queen Mary's reign, which were not then known: and I aggravated, though very truly [b], the danger of falling under the power of that religion. I pressed also a mutual forbearance among ourselves in lesser matters: but I insisted most on the impiety and vices that had worn out all sense of religion, and all regard to it among us. Sprat in the afternoon went further into the belief of the plot than I had done: but he insinuated his fears of their undutifulness to the king in such a manner, that [as it was much the worse sermon I ever heard him preach, so] they were highly offended at him: so the commons did not send him thanks, as they did to me; which raised his merit at court, as it increased the displeasure against me. Sprat had studied a polite style much: but there was little strength in it: he had the beginnings of learning laid well in him: but he has allowed himself in a course of some years in much sloth, and too many liberties [c].

[b] A bull. S.

[c] Very false. S. Sprat was chaplain to the duke of Buckingham, and had assisted him very much in writing the Rehearsal. He was highly valued by men of wit, and little by those of his own profession. D.

The king sent many messages to the house of commons, pressing for a supply, first for preserving Tangier, he being then in a war with the king of Fez, which by reason of the distance put him to much charge; but chiefly, for enabling him to go into alliances necessary for the common preservation. 1680.

The house upon that made a long representation to the king of the dangers that both he and they were in; and assured him, they would do every thing that he could expect of them, as soon as they were well secured: by which they meant, as soon as the exclusion should pass, and that bad ministers and ill judges should be removed. They renewed their address against lord Halifax; and made addresses both against the marquis of Worcester, soon after made duke of Beaufort, and against lord Clarendon and Hide, as men inclined to popery. Hide spoke so vehemently to vindicate himself from the suspicions of popery, that he cried in his speech: and Jones, upon the score of old friendship, got the words relating to popery to be struck out of the address against him. The commons also impeached several of the judges and Mr. Seymour: the judges were accused for some illegal charges and judgments; and Seymour, for corruption and mal-administration in the office of treasurer of the navy. They impeached Scroggs for high treason: but it was visible that the matters objected to him were only misdemeanors: so the lords rejected the impeachment; which was carried chiefly by the Earl of Danby's party, and in favour to him. The commons did also assert the right of the people to petition for a parliament: and because some in their 484

The house of commons proceeded against some with severity.

1680. counter-petitions had expressed their abhorrence of this practice, they voted these abhorrers to be betrayers of the liberties of the nation. They expelled one Withins out of their house for signing one of these, though he with great humility confessed his fault, and begged pardon for it. The merit of this raised him soon to be a judge; for indeed he had no other merit: they fell also on sir George Jefferies, a furious declaimer at the bar: but he was raised by that, as well as by this prosecution [d]. The house did likewise send their sergeant to many parts of England to bring up abhorrers as delinquents: upon which the right that they had to imprison any besides their own members came to be much questioned, since they could not receive an information upon oath, nor proceed against such as refused to appear before them. In many places, those for whom they sent their sergeant refused to come up. It was found, that such practices were grounded on no law, and were no elder than queen Elizabeth's time: while the house of commons used that power gently, it was submitted to in respect to it: but now it grew to be so much extended, that many resolved not to submit to it. The former parliament had passed a very strict act for the due execution of the
485 habeas corpus; which was indeed all they did: it was carried by an odd artifice in the house of lords. Lord Grey and lord Norris were named to be the tellers: lord Norris, being a man subject to vapours, was not at all times attentive to what he was doing: so a very fat lord coming in, lord Grey counted him for ten, as a jest at first: but seeing lord Norris had

[d] But see an account of this as to Jefferies in Mr. Roger North's Examen. O.

not observed it, he went on with this misreckoning of ten: so it was reported to the house, and declared that they who were for the bill were the majority, though it indeed went on the other side: and by this means the bill passed[c]. There was a bold forward man, Sheredon, a native of Ireland, whom the commons committed: and he moved for his habeas corpus: some of the judges were afraid of the house, and kept out of the way: but baron Weston had the courage to grant it. The session went yet into a higher strain; for they voted, that all anticipations on any branches of the revenue were against law, and that whosoever lent any money upon the credit of those anticipations were public enemies to the kingdom. Upon this it was said, that the parliament would neither supply the king themselves, nor suffer him to make use of his credit, which every private man might do. They said, on the other hand, that they looked on the revenue as a public treasure, that was to be kept clear of all anticipations, and not as a private estate that might be mortgaged: and they thought, when all other means of supply except by parliament were stopped, that must certainly bring the king to their terms. Yet the clamour raised on this, as if they had intended to starve the king, and blast his credit, was a great load on them: and their vote had no effect, for the king continued to have the same credit that he had before. Another vote went much higher; it was for an association, copied from that in Queen Eliza- 1680.

An association proposed.

[c] See Minute Book of the House of Lords with regard to this bill, and compare there the number of lords that day in the house with the number reported to be in the division, which agrees with this story. O.

1680. beth's time, for the revenging the king's death upon all papists, if he should happen to be killed. The precedent of that time was a specious colour: but this difference was assigned between the two cases: Queen Elizabeth was in no danger but from papists: so that association struck a terror into that whole party, which did prove a real security to her; and therefore her ministers set it on. But now, it was said, there were many republicans still in the nation, and many of Cromwell's officers were yet alive, who seemed not to repent of what they had done: so some of these might by this means be encouraged to attempt on the king's life, presuming that both the
486 suspicions and revenges of it would be cast upon the duke and the papists. Great use was made of this to possess all people, that this association was intended to destroy the king, instead of preserving him.

Expedients offered in the house of lords.

There was not much done in the house of lords after they threw out the bill of exclusion. Lord Halifax indeed pressed them to go on to limitations: and he began with one, that the duke should be obliged to live five hundred miles out of England during the king's life. But the house was cold and backward in all that matter. Those that were really the duke's friends abhorred all those motions: and lord Shaftsbury and his party laughed at them: they were resolved to let all lie in confusion, rather than hearken to any thing besides the exclusion. The house of commons seemed also to be so set against that project, that very little progress was made in it. Lord Essex made a motion, which was agreed to in a thin house: but it put an end to all discourses of that nature: he moved, that an asso-

ciation should be entered into to maintain those ex- 1680.
pedients, and that some cautionary towns should be put into the hands of the associators during the king's life to make them good after his death. The king looked on this as a deposing of himself. He had read more in Davila than in any other book of history: and he had a clear view into the consequences of such things, and looked on this as worse than the exclusion. So that, as lord Halifax often observed to me, this whole management looked like a design to unite the king more entirely to the duke, instead of separating him from him: the king came to think that he himself was levelled at chiefly, though for decency's sake his brother was only named. The truth was, the leading men thought they were sure of the nation, and of all future elections, as long as popery was in view. They fancied the king must have a parliament, and money from it very soon, and that in conclusion he would come into them. He was much beset by all the hungry courtiers, who longed for a bill of money: they studied to persuade him, from his father's misfortunes, that the longer he was in yielding, the terms would grow the higher.

Duchess of Portsmouth's conduct in this matter little understood.

They relied much on the lady Portsmouth's interest, who did openly declare her self for the house of commons: and they were so careful of her, that when one moved that an address should be made to the king for sending her away, he could not be heard, though at another time such a motion would have been better entertained. Her behaviour in this matter was unaccountable: and the duke's behaviour to her afterwards looked liker an acknowledgment than a resentment. Many refined upon it, and 487

1680. thought she was set on as a decoy to keep the party up to the exclusion, that they might not hearken to the limitations. The duke was assured, that the king would not grant the one: and so she was artificially managed to keep them from the other, to which the king would have consented, and of which the duke was most afraid. But this was too fine[f]: she was hearty for the exclusion: of which I had this particular account from Mountague, who I believe might be the person that laid the bait before her. It was proposed to her, that if she could bring the king to the exclusion, and to some other popular things, the parliament would go next to prepare a bill for securing the king's person; in which a clause might be carried, that the king might declare the successor to the crown, as had been done in Henry the Eighth's time. This would very much raise the king's authority, and would be no breach with the prince of Orange, but would rather oblige him to a greater dependence on the king. The duke of Monmouth and his party would certainly be for this clause, since he could have no prospect any other way; and he would please himself with the hopes of being preferred by the king to any other person. But since the lady Portsmouth found she was so absolutely the mistress of the king's spirit, she might reckon, that if such an act could be carried the king would be prevailed on to declare her son his successor; and it was suggested to her, that, in order to the strengthening her son's interest, she ought to

[f] Many of the duke's letters testify, that he was upon very ill terms with her at that time, and looked upon her and her cabal as the most dangerous enemies he had, and thinks nothing will be well till Godolphin and all the rotten sheep at the end of the gallery are turned out. D.

treat for a match with the king of France's natural daughter, now the duchess of Bourbon. And thus the duke of Monmouth and she were brought to an agreement to carry on the exclusion, and that other act pursuant to it: and they thought they were making tools of one another to carry on their own ends. The nation was possessed with such a distrust of the king, that there was no reason to think they could ever be brought to so entire a confidence in him, as to deliver up themselves and their posterity so blindfold into his hands. Mountague assured me, that she not only acted heartily in this matter, but she once drew the king to consent to it, if she[g] might have had 800,000*l.* for it; and that was afterwards brought down to 600,000*l.* But the jealousies upon the king himself were such, that the managers in the house of commons durst not move for giving money till the bill of exclusion should pass, lest they should have lost their credit by such a motion: and the king would not trust them. So near was this point brought to an agreement, if Mountague told me true[h]. 1680. 488

That which reconciled the duke to the duchess of Portsmouth was, that the king assured him, she did all by his order, that so she might have credit with the party, and see into their designs: upon which the duke saw it was necessary to believe this, or at least to seem to believe it.

[g] (The greatness of the sum, as well as the remaining part of the story, makes it probable that *he*, instead of *she*, was originally written.)

[h] (Salmon, in his Examination of this Hist. p. 857, observes, that the king might have had much greater sums given him openly, if he had consented to the exclusion. But of the duchess of Portsmouth's intrigues with the exclusionists there exists no doubt.)

1680. The other great business of this parliament was the trial of the viscount of Stafford, who was the younger son of the old earl of Arundell, and so was uncle to the duke of Norfolk. He was a weak, but a fair conditioned man: he was in ill terms with his nephew's family: and had been guilty of great vices in his youth, which had almost proved fatal to him: he married the heiress of the great family of the Staffords. He thought the king had not rewarded him for his former services as he had deserved: so he often voted against the court, and made great applications always to the earl of Shaftsbury. He was in no good terms with the duke; for the great consideration the court had of his nephew's family made him to be the most neglected: when Oates deposed first against him, he happened to be out of the way: and he kept out a day longer. But the day after he came in, and delivered himself: which, considering the feebleness of his temper, and the heat of that time, was thought a sign of innocence. Oates and Bedlow swore, he had a patent to be paymaster general to the army; Dugdale swore, that he offered him 500*l.* to kill the king. Bedlow had died the summer before at Bristol. It was in the time of the assizes: North, lord chief justice of the common pleas, being there, he sent for him, and by oath confirmed all that he had sworn formerly, except that which related to the queen and to the duke. He also denied upon oath, that any person had ever practised upon him, or corrupted him: his disowning some of the particulars which he had sworn had an appearance of sincerity, and gave much credit to his former depositions. I could never hear what sense he expressed of the other ill

Stafford's trial.

parts of his life, for he vanished soon out of all men's thoughts[i]. 1680.

Another witness appeared against lord Stafford, one Turbervill; who swore, that in the year seventy-five the lord Stafford had taken much pains to persuade him to kill the king: he began the proposition to him at Paris: and sent him by the way of Diep over to England, telling him that he in- 489
tended to follow by the same road: but he wrote afterwards to him that he was to go by Calais. But he said he never went to see him upon his coming to England. Turbervill swore the year wrong at first: but upon recollection he went and corrected that error. This, at such a distance of time, seemed to be no great matter: it seemed much stranger, that after such discourses once begun, he should never go near the lord Stafford; and that lord Stafford should never inquire after him. But there was a much more material objection to him. Turbervill, upon discourse with some in St. Martin's parish, seemed inclined to change his religion: they brought him to Dr. Lloyd, then their minister: and he convinced him so fully, that he changed upon it: and after that he came often to him, and was chiefly supported by him: for some months he was constantly at his table. Lloyd had pressed him to recollect all that he had heard among the papists relating to plots and designs against the king or the nation. He said that which all the converts at that

[i] (North, p. 252—255, Examen of Crit. Hist. says, that the tendency of Bedloe's oath was to accuse the queen and the duke of York; but that nothing express or positive was declared. He thinks that Bedloe went to Bristol, where he fell sick and died, for the purpose of trepanning the lord chief justice into danger, which by his good fortune and prudence he avoided.)

1680. time said often, that they had it among them that within a very little while their religion would be set up in England; and that some of them said, a great deal of blood would be shed before it could be brought about: but he protested that he knew no particulars. After some months' dependance on Lloyd, he withdrew entirely from him; and he saw him no more, till he appeared now an evidence against lord Stafford: Lloyd was in great difficulties upon that occasion. It had been often declared, that the most solemn denials of witnesses before they make discoveries did not at all invalidate their evidence; and that it imported no more, but that they had been so long firm to their promise of revealing nothing: so that this negative evidence against Turbervill could have done lord Stafford no service. On the other hand, considering the load that already lay on Lloyd on the account of Berry's business[k], and that his being a little before this time promoted to be bishop of St. Asaph was imputed to that, it was visible that his discovering this against Turbervill would have aggravated those censures, and very much blasted him. In opposition to all this, here was a justice to be done, and a service to truth, towards the saving a man's life: and the question was very hard to be determined. He advised with all his friends, and with my self in particular. The much greater number were of opinion that he ought to be silent[l]. I said, my own

[k] (See before, p. 447. Was this load on him, by his having professed his belief in Berry's innocence? Higgons, in his Remarks on this Hist. p. 211, relates, that Dr. Lloyd refused the sacrament to Berry, when he passionately desired it, although, according to Burnet, he believed Berry's solemn and repeated declarations of his being innocent of the charge brought against him.)

[l] Damned advice. S.

behaviour in Staley's affair shewed what I would do if I was in that case: but his circumstances were very different: so I concurred with the rest as to him. He had another load on him: he had writ a book with very sincere intentions, but upon a very tender point: he proposed, that a discrimination should be made between the regular priests that were in a dependance and under directions from Rome, and the secular priests that would renounce the pope's deposing power and his infallibility [m]: he thought this would raise heats among themselves, and draw censures from Rome on the seculars, which in conclusion might have very good effects. This was very plausibly writ, and designed with great sincerity: but angry men said, all this was intended only to take off so much from the apprehensions that the nation had of popery, and to give a milder idea of a great body among them: and as soon as it had that effect, it was probable that all the missionaries would have leave given them to put on that disguise, and to take those discriminating tests till they had once prevailed: and then they would throw them off. Thus the most zealous man against popery that I ever yet knew, and the man of the most entire sincerity, was so heavily censured at this time, that it was not thought fit, nor indeed safe [n], for him to declare what he knew concerning Turbervill. 1680. 490

[m] See Athenæ Oxon. vol. ii. col. 1090. And see State Trials, for sir F. Winnington's speech, at the beginning of lord Stafford's trial, which might perhaps determine Lloyd not to give this evidence, and deter him from it. O.

[n] But he ought to have done it. O. (So says every other honest man. See this business set in its proper light, in Salmon's Lives of the English Bishops, p. 149—155.)

1680. The trial was very august: the earl of Nottingham was the lord high steward: it continued five days. On the first day the commons brought only general evidence to prove the plot: Smith swore some things that had been said to him at Rome of killing the king: an Irish priest, that had been long in Spain, confirmed many particulars in Oates's narrative: then the witnesses deposed all that related to the plot in general. To all this lord Stafford said little, as not being much concerned in it: only he declared, that he was always against the pope's power of deposing princes. He also observed a great difference between the gunpowder plot and that which was now on foot: that in the former all the chief conspirators died confessing the fact; but that now all died with the solemnest protestations of their innocence. On the second day the evidence against himself was brought: he urged against Oates, that he swore he had gone in among them on design to betray them: so that he had been for some years taking oaths and receiving sacraments in so treacherous a manner, that no credit could be given to a man that was so black by his own confession. On the third day he brought his evidence to discredit
491 the witnesses: his servant swore, that while he was at the lord Aston's, Dugdale never was in his chamber but once; and that was on the account of a foot race. Some deposed against Dugdale's reputation: and one said, that he had been practising on himself to swear as he should direct him. The minister of the parish and another gentleman deposed, that they heard nothing from Dugdale concerning the killing a justice of peace in Westminster, which, as he had sworn, he had said to them. 'As to Turbervill, who

had said that the lord Stafford was at that time in a fit of the gout, his servants said they never knew him in a fit of the gout: and he himself affirmed, he never had one in his whole life. He also proved that he did not intend to come to England by Diep; for he had writ for a yacht which met him at Calais. He also proved by several witnesses, that both Dugdale and Turbervill had often said that they knew nothing of any plot; and that Turbervill had lately said, he would set up for a witness, for none lived so well as witnesses did: he insisted likewise on the mistake of the year, and on Turbervill's never coming near him after he came over to England. The strongest part of his defence was, that he made it out unanswerably, that he was not at the lord Aston's on one of the times that Dugdale had fixed on; for at that time he was either at Bath or at Badminton. For Dugdale had once fixed on a day; though afterwards he said it was about that time: now that day happened to be the marquis of Worcester's wedding-day: and on that day it was fully proved that he was at Badminton, that lord's house, not far from the Bath. On the fourth day proofs were brought to support the credit of the witnesses: it was made out, that Dugdale had served the lord Aston long, and with great reputation. It was now two full years since he began to make discoveries: and in all that time they had not found any one particular to blemish him with; though no doubt they had taken pains to examine into his life. His publishing the news of Godfrey's death was well made out, though two persons in the company had not minded it: many proofs were brought that he was often in lord Stafford's company, of which many 1680.

1680. more affidavits were made after that lord's death. Two women that were still papists swore, that upon the breaking out of the plot he searched into many papers, and burnt them: he gave many of these to one of the women to fling in the fire; but finding a book of accounts, he laid that aside, saying, There is
492 no treason here; which imported that he thought the others were treasonable. He proved that one of the witnesses brought against him was so infamous in all respects, that lord Stafford himself was convinced of it. He said, he had only pressed a man, who now appeared against him, to discover all he knew: he said, at such a distance of time he might mistake as to time or a day; but could not be mistaken as to the things themselves. Turbervill described both the street and the room in Paris in which he saw lord Stafford. He found a witness that saw him at Diep, to whom he complained, that a lord for whom he looked had failed him: and upon that he said he was no good staff to lean on; by which, though he did not name the lord, he believed he meant lord Stafford. Dugdale and he both confessed they had denied long that they knew any thing of the plot, which was the effect of the resolution they had taken, to which they adhered long, of discovering nothing: it was also proved that lord Stafford was often lame, which Turbervill took for the gout. On the fifth day lord Stafford resumed all his evidence, and urged every particular very strongly. Jones, in the name of the commons, did on the other hand resume the evidence against him with great force: he said indeed nothing for supporting Oates; for the objection against him was not to be answered. He made it very clear that Dugdale and Turbervill were

two good witnesses, and were not at all discredited by any thing that was brought against them. When it came to the giving of judgment, above fifty of the peers gave it against lord Stafford, and above thirty acquitted him: four of the Howards, his kinsmen, condemned him: lord Arundell [o], afterwards duke of Norfolk, though in enmity with him, did acquit him. Duke Lauderdale condemned him: and so did both the earls of Nottingham and Anglesey; [though the last of those very imprudently said, he did not believe the witnesses.] Lord Halifax acquitted him. Lord Nottingham, when he gave judgment, delivered it with one of the best speeches he had ever made. But he committed one great indecency in it: for he said, who can doubt any longer that London was burnt by papists? though there was not one word in the whole trial relating to that matter. Lord Stafford behaved himself during the whole time, and at the receiving his sentence, with much more constancy than was expected from him [p]. 1680. He was condemned.

Within two days after he sent a message to the lords, desiring that the bishop of London and I might be appointed to come to him. We waited on him: his design seemed to be only to possess us 493 He sent for me, and employed me to do him service.

[o] Then of the house of lords, as lord Mowbray called up by writ to that barony of his father. O.

[p] The duke, in one of his letters, says, "I was informed by "Fielding of lord Stafford's be- "ing condemned, which sur- "prised me, though I knew "the malice of some against "him and the government, "would make them press it to "the utmost. And besides all "other considerations, am very "sorry his majesty will be so "hard put to it; for I hope he "will remember the continual "trouble it was to the king his "father, the having consented "to the death of the earl of "Strafford, and not have such a "burden on his conscience; "and on the other hand, I "know he will be hard prest "to sign the warrant against "this unfortunate lord." D.

1680. with an opinion of his innocence, of which he made very solemn protestations. He heard us speak of the points in difference between us and the church of Rome with great temper and attention. At parting, he desired me to come back to him next day; for he had a mind to be more particular with me. When I came to him, he repeated the protestations of his innocence; and said, he was confident the villany of the witnesses would soon appear: he did not doubt I should see it in less than a year. I pressed him in several points of religion; and urged several things, which he said he had never heard before. He said, these things on another occasion would have made some impression upon him; but he had now little time, therefore he would lose none in controversy: so I let that discourse fall. I talked to him of those preparations for death in which all Christians agree: he entertained these very seriously: [much above what I expected from him.] He had a mind to live, if it was possible: he said, he could discover nothing with relation to the king's life, protesting that there was not so much as an intimation about it that had ever passed among them. But he added, that he could discover many other things, that were more material than any thing that was yet known, and for which the duke would never forgive him: and of these, if that might save his life, he would make a full discovery. I stopt him when he was going on to particulars; for I would not be a confident in any thing in which the public safety was concerned. He knew best the importance of those secrets; and so he could only judge, whether it would be of that value as to prevail with the two houses to interpose with the king for his pardon.

He seemed to think it would be of great use, chiefly 1680.
to support what they were then driving on with relation to the duke: he desired me to speak to lord Essex, lord Russel, and sir William Jones. I brought him their answer the next day; which was, that if he did discover all he knew concerning the papists' designs, and more particularly concerning the duke, they would endeavour that it should not be insisted on, that he must confess those particulars for which he was judged. He asked me, what if he should name some who had now great credit, but had once engaged to serve their designs: I said, nothing could be more acceptable than the discovering such disguised papists, or false protestants: yet upon this I charged him solemnly not to think of redeeming his own life by accusing any other falsely, but to tell the truth, and all the truth, as far as the common safety was con- 494
cerned in it. As we were discoursing of these matters, the earl of Carlisle came in: [who had been in great favour with Cromwell, and was captain of his guards, and had then run into a high profession of religion, to the pitch of praying and preaching in their meetings. But after the restoration he shook that off, and run into a course of vice. He loved to be popular, and yet to keep up an interest at court; and so was apt to go forward and backward in public affairs.] In his hearing, by lord Stafford's leave, I went over all that had passed between us, and did again solemnly adjure him to say nothing but the truth. Upon this he desired the earl of Carlisle to carry a message from him to the house of lords, that whensoever they would send for him he would discover all that he knew: upon that he was immediately sent for. And he began with a long relation of their

1680. first consultations after the restoration about the methods of bringing in their religion, which they all agreed could only be brought about by a toleration. He told them of the earl of Bristol's project; and went on to tell who had undertaken to procure the toleration for them: and then he named the earl of Shaftsbury. When he named him, he was ordered to withdraw: and the lords would hear no more from him. It was also given out, that in this I was a tool of lord Halifax's to bring him thither to blast lord Shaftsbury. He was sent back to the tower: and then he composed himself in the best way he could to suffer, which he did with a constant and undisturbed mind: he supped and slept well the night before his execution, and died without any shew of fear or disorder. He denied all that the witnesses had sworn against him. And this was the end of the plot [q]. I was very unjustly censured on both hands. The earl of Shaftsbury railed so at me, that I went no more near him. And the duke was made believe that I had persuaded lord Stafford to charge him, and to discover all he knew against him: which was the beginning of the implacable hatred he shewed on many occasions against me. Thus the innocentest and best meant parts of a man's life may be misunderstood and highly censured.

His execution.

1681. The house of commons had another business before them in this session: there was a severe act passed

Motions in the favour of the non-conformists.

[q] ("My lord Danby's tryal gave "the five catholick lords in the "tower more time to prepare, "and their innocency to appear; "whereby none but my lord "Stafford, to whom they gave "no respit, felt the weight of "that mercyless and bloody "faction." Life of King James II. published from the Stuart Papers, vol. i. p. 543.)

in the end of queen Elizabeth's reign, when she was highly provoked with the seditious behaviour of the Puritans, by which those who did not conform to the church were required to abjure the kingdom under the pain of death: and for some degrees of nonconformity they were adjudged to die, without the favour of banishment. Both houses passed a bill for repealing this act: it went indeed heavily in the house of lords; for many of the bishops, though they were not for putting that law in execution, which had never been done but in one single instance[r], yet they thought the terror of it was of some use, and that the repealing it might make the party more insolent. On the day of the prorogation the bill ought to have been offered to the king, but the clerk of the crown, by the king's particular order, withdrew the bill. The king had no mind openly to deny it: but he had less mind to pass it. So this indiscreet method was taken, which was a high offence in the clerk of the crown. There was a bill of comprehension offered by the episcopal party in the house of commons, by which the presbyterians would have been taken into the church. But to the amazement of all people, their party in the house did not seem concerned to promote it: on the contrary, they neglected it. This increased the jealousy, as if they had hoped they were so near the carrying all before them, that they despised a comprehension: there was no great progress made in this bill. But in the morning before they were prorogued two votes were carried in the house, of a very extraordinary nature: the one was, that the laws made against

1681. 495

[r] (That of Penry.)

1681. recusants ought not to be executed against any but those of the church of Rome. That was indeed the primary intention of the law: yet all persons who came not to church, and did not receive the sacrament once a year, were within the letter of the law. The other vote was, that it was the opinion of that house, that the laws against dissenters ought not to be executed. This was thought a great invasion of the legislature, when one house pretended to suspend the execution of laws: which was to act like dictators in the state; for they meant that courts and juries should govern themselves by the opinion that they now gave: which, instead of being a kindness to the nonconformists, raised a new storm against them over all the nation. When the king saw no hope of prevailing with the commons on any other terms, but his granting the exclusion, he resolved to prorogue the parliament. And it was dissolved in a few days after, in January eighty one.

The parliament was dissolved.

The king resolved to try a parliament once more: but apprehending that they were encouraged, if not inflamed by the city of London, he summoned the next parliament to meet at Oxford. It was said, men were now very bold about London, by their confidence in the juries that the sheriffs took care to return. Several printers were indicted for scandalous libels that they had printed: but the grand juries returned an *ignoramus* upon the bills against them, on this pretence, that the law only condemned the print-
496 ing such libels maliciously and seditiously, and that it did not appear that the printers had any ill intentions in what they did; whereas, if it was found that they printed such libels, the construction of law made that to be malicious and seditious. The elections

over England for the new parliament went generally for the same persons that had served in the former parliament: and in many places it was given as an instruction to the members to stick to the bill of exclusion. 1681.

The king was now very uneasy: he saw he was despised all Europe over, as a prince that had neither treasure nor power: so one attempt more was to be made, which was to be managed chiefly by Littleton, who was now brought into the commission of the admiralty. I had once, in a long discourse with him, argued against the expedients, because they did really reduce us to the state of a commonwealth. I thought a much better way was, that there should be a protector declared, with whom the regal power should be lodged; and that the prince of Orange should be the person[s]. He approved the notion: but thought that the title protector was odious, since Cromwell had assumed it, and that therefore regent would be better: we dressed up a scheme of this for near two hours: and I dreamt no more of it. But some days after, he told me the notion took with some, and that both lord Halifax and Seymour liked it: but he wondered to find lord Sunderland did not go into it. He told me after the parliament was dissolved, but in great secrecy, that the king himself liked it. Lord Nottingham talked in a general and odd strain about it. He gave it out, that the king was resolved to offer one expedient, which was beyond any thing that the parliament could have the confidence to ask. Littleton pressed me to do what I could to promote it; and said, that as I was the first

A new expedient of a prince regent.

[s] (This plan is noticed in the abovementioned Life of King James II. vol i. p. 658.)

1681. that had suggested it, so I should have the honour of it, if it proved so successful as to procure the quieting of the nation. I argued upon it with Jones: but I found they had laid it down for a maxim, to hearken to nothing but the exclusion. All the duke of Monmouth's party looked on this as that which must put an end to all his hopes. Others thought, in point of honour, they must go on as they had done hitherto: Jones stood upon a point of law, of the unseparableness of the prerogative from the person of the king[t]. He said an infant or a lunatic was in a real incapacity of struggling with his guardians;
497 but that if it was not so, the law that constituted their guardians would be of no force. He said, if the duke came to be king, the prerogative would by that vest in him; and the prince regent and he must either strike up a bargain, or it must end in a civil war, in which he believed the force of law would give the king the better of it. It was not to be denied but that there was some danger in this: but in the ill circumstances in which we were, no remedies could be proposed that were without great inconveniences, and that were not liable to much danger[u].

[t] A lawyer's way of arguing, very weak. S.

[u] So much, that I am persuaded, from having read the debates upon this matter, at the different times it was agitated in the house of commons, either scheme would have been impracticable, or have produced a civil war: the condition of this country was undoubtedly very deplorable; but things were not yet brought to a crisis, to engage the body of the nation in such a change of government. The reverence for the old constitution would have withstood all the attempts to put the expedients into execution. And if the duke of York should have had a son at any time afterwards, as it was allowed he would have been king immediately, how could the exclusion of the father have been supported? Who would have done it? And then all things would have run back into the regular succession, and in the confusion or heat of that, the

In the mean while both sides were taking all the pains they could to fortify their party: and it was very visible, that the side which was for the exclusion was like to be the strongest. 1681.

A few days before the king went to Oxford, Fitzharris, an Irish papist, was taken up for framing a malicious and treasonable libel against the king and his whole family. He had met with one Everard, who pretended to make discoveries, and, as was thought, had mixed a great deal of falsehood with some truth: but he held himself in general terms, and did not descend to so many particulars as the witnesses had done. Fitzharris and he had been acquainted in France: so on that confidence he shewed him his libel: and he made an appointment to come to Everard's chamber, who thought he intended to trepan him, and so had placed witnesses to overhear all that passed. Fitzharris left the libel with him, all writ in his own hand: Everard went with the paper and with his witnesses, and informed against Fitzharris, who upon that was committed. But seeing the proof against him was like to be full, he said, the libel was drawn by Everard, and only copied by himself: but he had no sort of proof to support this. Cornish the sheriff going to see him, he desired he would bring him a justice of peace; for he could make a great discovery of the plot, far beyond all that was yet known. Cornish, in the simplicity of his heart, went and acquainted the king Fitzharris was taken.

crown would have become arbitrary. If a civil war had happened, it is very probable the case had been the same, whichever side had prevailed; nothing but the particular circumstances of the revolution, and the wise provisions made upon it for establishing the new government, could have brought on or maintained the change, and the last has been almost miraculous. God grant it a continuance! O.

1681. with this: for which he was much blamed; for it was said, by this means that discovery might have been stopped: but his going first with it to the court proved afterwards a great happiness both to himself and to many others. The secretaries and some privy counsellors were upon that sent to examine Fitzharris; to whom he gave a long relation of a practice to kill the king, in which the duke was concerned, with many other particulars which need not be mentioned; for it was all a fiction. The secretaries came to him a second time, to examine him farther: he boldly stood to all he had
498 said: and he desired that some justices of the city might be brought to him. So Clayton and Treby went to him: and he made the same pretended discovery to them over again; and insinuated, that he was glad it was now in safe hands that would not stifle it. The king was highly offended with this, since it plainly shewed a distrust of his ministers: and so Fitzharris was removed to the tower; which the court resolved to make the prison for all offenders, till there should be sheriffs chosen more at the king's devotion. Yet the deposition made to Clayton and Treby was in all points the same that he had made to the secretaries: so that there was no colour for the pretence afterward put on this, as if they had practised on him.

The parliament of Oxford was soon dissolved.

The parliament met at Oxford in March: the king opened it with severe reflections on the proceedings of the former parliament. He said, he was resolved to maintain the succession of the crown in the right line: but for quieting his people's fears he was willing to put the administration of the government into protestants' hands. This was explained by Ernley and Littleton to be meant of a prince

regent, with whom the regal prerogative should be lodged during the duke's life. Jones and Littleton managed the debate on the grounds formerly mentioned: but in the end the proposition was rejected; and they resolved to go again to the bill of exclusion, to the great joy of the duke's party, who declared themselves more against this than against the exclusion itself. The commons resolved likewise to take the management of Fitzharris's affair out of the hands of the court[x]: so they carried to the lords' bar an impeachment against him, which was rejected by the lords upon a pretence with which lord Nottingham furnished them. It was this[y]: Edward the third had got some commoners to be condemned by the lords: of which when the house of commons complained, an order was made, that no such thing should be done for the future. Now that related only to proceedings at the king's suit: but it could not be meant, that an impeachment from the commons did not lie against a commoner. Judges, secretaries of state, and the lord keeper were often commoners: so if this was good law, here was a certain method offered to the court, to be troubled no more with impeachments, by employing only commoners. In short, the peers saw the design of this impeachment, and were resolved not to receive it: and so made use of this colour to reject it. Upon that the commons passed a vote, that justice was denied them by the lords: and they also voted, that all those who concurred in any sort in trying Fitzharris in any other court, were be- 1681. 499

[x] See the Journal of the Lords as to this matter; and the State Trials for that of Fitzharris. O.

[y] See the Journal of the Lords, 26. 27. 29th of June, 2d of July, 1689. O.

1681. trayers of the liberties of their country. By these steps which they had already made, the king saw what might be expected from them: so very suddenly, and not very decently, he came to the house of lords, the crown being carried between his feet in a sedan [z]: and he put on his robes in haste, without any previous notice, and called up the commons, and dissolved the parliament; and went with such haste to Windsor, that it looked as if he was afraid of the crowds that this meeting had brought to Oxford [a].

A great change in affairs.

Immediately upon this the court took a new ply; and things went in another channel: of which I go next to give as impartial an account as I have hitherto given of the plot, and of all that related to it. At this time the distinguishing names of *whig* and *tory* came to be the denominations of the parties. I have given a full account of all errors during this time with the more exactness, to warn posterity from falling into the like excesses, and to make it appear how mad and fatal a thing it is to run violently into a torrent, and in a heat to do those things which may give a general disgust, and to set precedents to others, when times turn, to justify their excesses, by saying they do only follow the steps of those who went before them. The shedding so much blood upon such doubtful evidence was like to have proved fatal to him who drove all

[z] ("The truth of the matter was, that the crown was put in the bag with the robes, and sent privately before, to prevent any suspicion of the dissolution." *Higgons's Remarks*, p. 223.)

[a] I have been told by several of the whigs themselves, that the meeting had more the air of a Polish diet than an English parliament, and that Shaftsbury and his party made their public entry with great numbers of horsemen, as well armed as the guards. D.

these things on with the greatest fury: I mean the earl of Shaftsbury himself. And the strange change that appeared over the nation with relation to the duke, from such an eager prosecution of the exclusion to an indecent courting and magnifying him, not without a visible coldness towards the king in comparison of him, shewed how little men could build on popular heats, which have their ebbings and flowings, and their hot and cold fits, almost as certainly as seas or fevers have. When such changes happen, those who have been as to the main with the side that is run down, will be charged with all the errors of their side, how much soever they may have opposed them. I who had been always in distrust of the witnesses, and dissatisfied with the whole method of proceedings, yet came to be fallen on, not only in pamphlets and poems, but even in sermons, as if I had been an incendiary, and a main stickler against the court, and in particular against the duke. So upon this I went into a closer retirement: and to keep my mind from running after news and affairs, I set my self to the study of philosophy and algebra. I diverted my self with many processes in chemistry: and I hope I went into the best exercises, from which I had been much diverted by the bustling of a great town in so hot a time. I had been much trusted by both sides: and that is a very dangerous state; for a man may come upon that to be hated and suspected by both. I withdrew much from all conversation: only I lived still in a particular confidence with the lords Essex and Russel. 1681. 500

The king set out a declaration for satisfying his people. He reckoned up in it all the hard things The king's declaration.

1681. that had been done by the three last parliaments; and set out their undutiful behaviour to himself in many instances: yet in conclusion he assured his good subjects, that nothing should ever alter his affection to the protestant religion as established by law, nor his love to parliaments: for he would have still frequent parliaments. When this passed in council, the archbishop of Canterbury moved, that an order should be added to it, requiring the clergy to publish it in all the churches of England: this was looked on as a most pernicious precedent, by which the clergy were made the heralds to publish the king's declarations, which in some instances might come to be not only indecent but mischievous. An answer was writ to the king's declaration with great spirit and true judgment. It was at first penned by Sidney [b]. But a new draught was made by Somers, and corrected by Jones. The spirit of that side was now spent: so that this, though the best writ paper in all that time, yet had no great effect. The declaration raised over England a humour of making addresses to the king, as it were in answer to it. The grand juries and the bench of justices in the counties, the cities and boroughs, the franchises and corporations, many manors, the companies in towns, and at last the very apprentices, sent up addresses. Of these some were more modestly penned, and only expressed their joy at the assurances they saw in the king's declaration; and concluded, that they upon that dedicated their lives and fortunes to his service. But the greater number, and the most acceptable, were those who declared they would adhere to the unalterable succes-

Addresses to the king from all parts of England.

[b] Algernoon Sidney. O.

sion of the crown in the lineal and legal descent, 1671.
and condemned the bill of exclusion. Others went higher, and arraigned the late parliaments as guilty of sedition and treason. Some reflected severely on the nonconformists; and thanked the king for his 501
not repealing that act of the thirty-fifth of queen Elizabeth, which they prayed might be put in execution. Some of the addresses were very high panegyrics, in which the king's person and government were much magnified. Many of those who brought these up were knighted upon it: and all were well treated at court. Many zealous healths were drunk among them: and in their cups the old valour and the swaggerings of the cavaliers seemed to be revived. The ministers saw through this, and that it was an empty noise and a false shew. But it was thought necessary then to encourage it. Though lord Halifax could not restrain himself from shewing his contempt of it, in a saying that was much repeated: he said, the petitioners for a parliament spit in the king's face, but the addressers spit in his mouth. As the country sent up addresses, so the town sent down pamphlets of all sorts, to possess the nation much against the late parliament: and the clergy struck up to a higher note, with such zeal for the duke's succession, as if a popish king had been a special blessing from heaven, to be much longed for by a protestant church. They likewise gave themselves such a loose against nonconformists, as if nothing was so formidable as that party: so that in all their sermons popery was quite forgot, and the force of their zeal was turned almost wholly against the dissenters; who were now by order from the court to be proceeded against ac-

1681. cording to law. There was also a great change made in the commissions all England over: none were left either on the bench or in the militia, that did not with zeal go into the humour of the court. And such of the clergy as would not engage in that fury were cried out upon as the betrayers of the church, and as secret favourers of the dissenters. The truth is, the numbers of these were not great: one observed right, that according to the proverb in the Gospel, *where the carcase is, the eagles will be gathered together:* the scent of preferment will draw aspiring men after it.

Fitzharris's trial.

Fitzharris's trial came on in Easter term: Scroggs was turned out, and Pemberton was made chief justice. His rise was so particular, that it is worth the being remembered: in his youth he mixed with such lewd company, that he quickly spent all he had; and ran so deep in debt, that he was cast into a gaol, where he lay many years: but he followed his studies so close in the gaol, that he became one of the ablest men of his profession. He was not wholly for the court: he had been a judge before,
502 and was turned out by Scroggs's means: and now he was raised again, and was afterwards made chief justice of the other bench: but not being compliant enough, he was turned out a second time, when the court would be served by none but by men of a thoroughpaced obsequiousness. Fitzharris pleaded the impeachment in parliament: but since the lords had thrown that out, it was overruled. He pretended he could discover the secret of Godfrey's murder: he said, he heard the earl of Danby say at Windsor, that it must be done: but when the judge told the grand jury, that what was said at Windsor

did not lie before them, Fitzharris immediately said, he had heard him say the same thing at Whitehall. This was very gross: yet upon so slight an evidence they found the bill against the lord Danby. And when they were reproached with it, they said a dubious evidence was a sufficient ground for a grand jury: yet another doctrine was set up by the same sort of men within a few months. 1681.

Plunket, an Irish bishop, condemned and executed.

Plunket, the popish primate of Armagh, was at this time brought to his trial. Some lewd Irish priests, and others of that nation, hearing that England was at that time disposed to hearken to good swearers, thought themselves well qualified for the employment: so they came over to swear, that there was a great plot in Ireland, to bring over a French army, and to massacre all the English. The witnesses were brutal and profligate men: yet the earl of Shaftsbury cherished them much: they were examined by the parliament at Westminster: and what they said was believed. Upon that encouragement, it was reckoned that we should have witnesses come over in whole companies. Lord Essex told me, that this Plunket was a wise and sober man, who was always in a different interest from the two Talbots; the one of these being the titular archbishop of Dublin, and the other raised afterwards to be duke of Tirconnell. These were meddling and factious men; whereas Plunket was for their living quietly, and in due submission to the government, without engaging into intrigues of state. Some of these priests had been censured by him for their lewdness: and they drew others to swear as they directed them. They had appeared the winter before upon a bill offered to the grand jury: but as the

1681. foreman of the jury, who was a zealous protestant, told me, they contradicted one another so evidently, that they would not find the bill. But now they laid their story better together; and swore against Plunket, that he had got a great bank of money to
503 be prepared, and that he had an army listed, and was in a correspondence with France to bring over a fleet from thence. He had nothing to say in his own defence, but to deny all: so he was condemned; and suffered very decently, expressing himself in many particulars as became a bishop. He died denying every thing that had been sworn against him.

Fitzharris was tried next: and the proof was so full, that he was cast. He moved in court that I might be ordered to come to him, upon what reason I could never imagine: a rule was made that I might speak to him in the presence of the lieutenant of the tower. I went to him, and pressed him vehemently to tell the truth, and not to deceive himself with false hopes. I charged him with the improbabilities of his discovery; and laid home to him the sin of perjury, chiefly in matters of blood, so fully, that the lieutenant of the tower made a very just report of it to the king, as the king himself told me afterwards. When he saw there was no hope, he said the lord Howard was the author of the libel. Howard was so ill thought of, that, it being known that there was a familiarity between Fitzharris and him, it was apprehended from the beginning that he was concerned in it. I had seen him in lord Howard's company, and had told him how indecent it was to have such a man about him: he said he was in want, and was as honest as his religion would suffer him to be. I found out afterwards, that he

was a spy of the lady Portsmouth's: and that he 1681.
had carried lord Howard to her: and, as lord Howard himself told me, she brought the king to talk with him twice or thrice. The king, as he said, entered into a particular scheme with him of the new frame of his ministry in case of an agreement, which seemed to him to be very near. As soon as I saw the libel, I was satisfied that lord Howard was not concerned in it: it was so ill drawn, and so little disguised in the treasonable part, that none but a man of the lowest form could be capable of making it. The report of lord Howard's being charged with this was over the whole town a day before any warrant was sent out against him; which made it appear, that the court had a mind to give him time to go out of the way. He came to me, and solemnly vowed he was not at all concerned in that matter: so I advised him not to stir from home. He was committed that night: I had no liking to the man's temper: yet he insinuated himself so into me, that without being rude to him, it was not possible to avoid him. He was a man of a pleasant conversa- 504
tion: but he railed so indecently both at the king and the clergy, that I was very uneasy in his company: yet now, during his imprisonment, I did him all the service I could. But Algernoon Sidney took his concerns and his family so to heart, and managed every thing relating to him with that zeal and that care, that none but a monster of ingratitude could have made him the return that he did afterwards. When the bill against lord Howard was brought to the grand jury, Fitzharris's wife and maid were the two witnesses against him: but they did so evidently forswear themselves, that the attor-

1681. ney general withdrew it. Lord Howard lay in the tower till the Michaelmas term; and came out by the habeas corpus. I went no more to Fitzharris: but Hawkins, the minister of the tower, took him into his management; and prevailed with him not only to deny all his former discovery, but to lay it on Clayton, Treby, and the sheriffs, as a subornation of theirs, though it was evident that was impossible to be true. Yet at the same time he writ letters to his wife, who was not then admitted to him, which I saw and read, in which he told her, how he was practised upon with the hopes of life. He charged her to swear falsely against none: one of these was writ that very morning in which he suffered: and yet before he was led out, he signed a new paper containing the former charge of subornation, and put it in Hawkins's hands. And at Tyburn he referred all he had to say to that paper, which was immediately published: but the falsehood of it was so very notorious, that it shewed what a sort of man Hawkins was: yet he was soon after rewarded for this with the deanery of Chichester. But when the court heard what letters Fitzharris had writ to his wife, they were confounded: and all further discourse about him was stifled. But the court practised on her by the promise of a pension so far, that she delivered up her husband's letters to them. But so many had seen them before that, that this base practice turned much to the reproach of all their proceedings [c].

Practices upon Fitzharris at his death.

[c] She was recommended for some provision to king William by the house of commons. See their Journal of 15th of June 1689, where there is a report of her case by a committee. O. (See Echard's account of Fitzharris's behaviour when he suffered, pp. 1010, 1011. of his History of England. Higgons

Soon after this, Dugdale, Turbervill, Smith, and the Irish witnesses came under another management; and they discovered a plot laid against the king to be executed at Oxford. The king was to be killed, and the government was to be changed. One Colledge, a joiner by trade, was an active and hot man, and came to be known by the name of the Protestant joiner. He was first seized on: and the witnesses swore many treasonable speeches against him: he was believed to have spoken oft with great indecency of the king, and with a sort of threatening, that they would make him pass the bill of exclusion. But a design to seize on the king was so notorious a falsehood, that, notwithstanding all that the witnesses swore, the grand jury returned *ignoramus* upon the bill. Upon this the court cried out against the juries now returned, that they would not do the king justice, though the matter of the bill was sworn by witnesses whose testimony was well believed a few months before: it was commonly said, these juries would believe every thing one way, and nothing the other. If they had found the bill, so that Colledge had been tried upon it, he would have been certainly saved: but since the witnesses swore that he went to Oxford on that design, he was triable there. North went to Oxford, Col-

1681. A Protestant plot.

505

observes, that "if the court "through the influence of Dr. "Hawkins had prevailed on "Fitzharris to accuse the she- "riffs falsely of subornation, "they must at least have "tempted him with a promise "of life; afterwards, when "they broke their word, and "he came to die, if it were "only in revenge, he would "certainly have told the truth, "and discovered the knavery." *Remarks on this Hist.* p 230. But compare Hume's History of England, Charles II. p. 337. And indeed no reliance is to be placed on the testimony of such a notorious rogue either living or dying.)

1681. ledge being carried thither: and he tried him there. North's behaviour in that whole matter was such, that probably, if he had lived to see an impeaching parliament, he might have felt the ill effects of it. The witnesses swore several treasonable words against Colledge, and that his coming to Oxford was in order to the executing these: so here was an over-act. Colledge was upon a negative: so he had nothing to say for himself, but to shew how little credit was due to the witnesses. He was condemned, and suffered with great constancy, and with appearances of devotion. He denied all the treasonable matter that had been sworn against him, or that he knew of any plot against the king. He confessed, that a great heat of temper had carried him to many undutiful expressions of the king: but he protested he was in no design against him. And now the court intended to set the witnesses to swear against all the hot party; which was plainly murder in them, who believed them false witnesses, and yet made use of them to destroy others. One passage happened at Colledge's trial which quite sunk Dugdale's credit: it was objected to him by Colledge, to take away his credit, that, when by his lewdness he had got the French pox, he to cover that gave it out that he was poisoned by papists: upon which he, being then in court, protested solemnly that he never had that disease; and said, that if it could be proved by any physician that he ever had it, he was content that all the evidence he had ever given should be discredited for ever. And he was taken at his word: for Lower, who was then the most celebrated physician in London, proved at the council-board that he had been under cure in his hands

Colledge condemned, and died upon it.

for that disease; which was made out both by his bills, and by the apothecary that served them. So he was never more heard of. 1681. 506

The earl of Shaftsbury was committed next, and sent to the tower upon the evidence of the Irish witnesses. His papers were at the same time seized on and searched: nothing material was found among them, but a draught of an association, by which the king, if it had taken place, would have reigned only at the discretion of the party. This was neither writ nor marked in any place with his hand: but, when there was a talk of an association, some had formed this paper, and brought it to him; of which he always professed, after the matter was over, that he remembered nothing at all. So it is probable, that, as is ordinary when any great business is before the parliament, that zealous men are at the doors with their several draughts, this was one of these cast carelessly by, and not thought on by him when he had sent his more valuable papers out of the way. There was likewise but one witness that could swear to its being found there: and that was the clerk of the council, who had perused those papers without marking them in the presence of any witness, as taken among lord Shaftsbury's papers. Shaftsbury sent to the tower.

There was all this summer strange practising with witnesses to find more matter against him: Wilkinson, a prisoner for debt that had been often with him, was dealt with to accuse him. The court had found out two solicitors to manage such matters, Burton and Graham, who were indeed fitter men to have served in a court of inquisition than in a legal government. It was known, that lord Shaftsbury was apt to talk very freely, and without discretion: Practices upon witnesses.

1681. so the two solicitors sought out all that had frequented his company; and tried what they could draw from them, not by a barefaced subornation, but by telling them, they knew well that lord Shaftsbury had talked such and such things, which they named, that were plainly treasonable; and they required them to attest it, if they did ever hear such things from him: and they made them great promises upon their telling the truth. So that they gave hints and made promises to such as by swearing boldly would deserve them, and yet kept themselves out of danger of subornation, having witnesses in some corner of their chambers that overheard all their discourse. This was their common practice, of which I had a particular account from some whom they examined
507 with relation to my self. In all this foul dealing the king himself was believed to be the chief director: and lord Halifax was thought deep in it, though he always expressed an abhorrence of such practices to me.

I was then offered preferment.

His resentments wrought so violently on him, that he seemed to be gone off from all his former notions. He pressed me vehemently to accept of preferment at court; and said, if I would give him leave to make promises in my name, he could obtain for me any preferment I pleased. But I would enter into no engagements. I was contented with the condition I was in, which was above necessity, though below envy: the mastership of the temple was like to fall, and I liked that better than any thing else. So both lord Halifax and lord Clarendon moved the king in it. He promised I should have it. Upon which lord Halifax carried me to the king. I had reason to believe that he was highly

displeased with me for what I had done a year before. Mrs. Roberts, whom he had kept for some time, sent for me when she was a dying: I saw her often for some weeks, and among other things I desired her to write a letter to the king, expressing the sense she had of her past life: and at her desire I drew such a letter, as might be fit for her to write: but she never had strength enough to write it: so upon that I resolved to write a very plain letter to the king: I set before him his past life, and the effects it had on the nation, with the judgments of God that lay on him, which was but a small part of the punishment that he might look for: I pressed him upon that earnestly to change the whole course of his life: I carried this letter to Chiffinch's on the twenty-ninth of January; and told the king in the letter, that I hoped the reflections on what had befallen his father on the thirtieth of January, might move him to consider these things more carefully [d]. Lord Arran happened to be then in waiting: and he came to me next day, and told me, he was sure the king had a long letter from me; for he held the candle to him while he read it: he knew at all that distance that it was my hand: the king read it twice over, and then threw it into the fire: and not long after lord Arran took occasion to name me: and the king spoke of me with great sharpness: so he perceived that he was not pleased with my letter. Nor was the king pleased with my being sent for by Wilmot earl of Rochester, when he died: he fancied, that he had told me many things, of which I 1681.

[d] (This letter to the king was printed by his son, sir Thomas Burnet, in his life of the bishop, affixed to this History, p. 686.)

1681. might make an ill use: yet he had read the book that I writ concerning him, and spoke well of it.

508 In this state I was in the king's thoughts, when lord Halifax carried me to him, and introduced me with a very extraordinary compliment, that he did not bring me to the king to put me in his good opinion, so much as to put the king in my good opinion: and added, he hoped that the king would not only take me into his favour, but into his heart. The king had a peculiar faculty of saying obliging things with a very good grace: among other things he said, he knew that, if I pleased, I could serve him very considerably; and that he desired no service from me longer than he continued true to the church and to the law. Lord Halifax upon that added, that the king knew he served him on the same terms, and was to make his stops. The king and he fell into some discourse about religion. Lord Halifax said to the king, that he was the head of his church: to which the king answered, that he did not desire to be the head of nothing; for indeed he was of no church. From that the king run out into much discourse about lord Shaftsbury, who was shortly to be tried: he complained with great scorn of the imputation of subornation that was cast on himself. He said, he did not wonder that the earl of Shaftsbury, who was so guilty of those practices, should fasten them on others. [And he used upon that a Scots proverb very pleasantly, "At dooms-"day we shall see whose a— is blackest."] The discourse lasted half an hour very hearty and free: so I was in favour again. But I could not hold it. I was told I kept ill company: the persons lord Halifax named to me were the earl of Essex, lord Rus-

Halifax carried me to the king.

sel, and Jones. But I said, I would upon no consideration give over conversing with my friends: so I was where I was before. 1681.

A bill of indictment was presented to the grand jury against lord Shaftsbury. The jury was composed of many of the chief citizens of London. The witnesses were examined in open court, contrary to the usual custom: the witnesses swore many incredible things against him, mixed with other things that looked very like his extravagant way of talking. The draught of the association was also brought as a proof of his treason, though it was not laid in the indictment, and was proved only by one witness. The jury returned *ignoramus* upon the bill. Upon this the court did declaim with open mouth against these juries; in which, they said, the spirit of the party did appear, since men even upon oath shewed they were resolved to find bills (true) or *ignoramus*, as they pleased, without regarding the evidence. And upon this a new set of addresses went round the kingdom, in which they expressed their abhorrence 509 of that association found in lord Shaftsbury's cabinet; and complained, that justice was denied the king; which were set off with all the fulsome rhetoric that the penners could varnish them with. [These were generally believed to be penned by the clergy: among whom the duke's health was always drunk with repeated shouts and huzzas: to which another health, "To the confusion of all his enemies," was commonly added.] It was upon this occasion said, that the grand jury ought to find bills even upon dubious evidence, much more when plain treason was sworn; since all they did in finding a bill was only to bring the person to his trial, and

Shaftsbury was acquitted by the grand jury.

1681. then the falsehood of the witnesses was to be detected. But in defence of these *ignoramus* juries it was said, that by the express words of their oath they were bound to make true presentments of what should appear true to them: and therefore, if they did not believe the evidence, they could not find a bill, though sworn to. A book was writ to support that, in which both law and reason were brought to confirm it: it passed as writ by lord Essex, though I understood afterwards it was writ by Somers [c], who was much esteemed and often visited by lord Essex, and who trusted himself to him, and writ the best papers that came out in that time. It is true, by the practice that had generally prevailed, grand juries were easy in finding bills upon a slight and probable evidence. But it was made out, that the words of their oath, and the reason of the law, seemed to oblige them to make no presentments but such as they believed to be true. On the other hand, a private ill opinion of a witness, or the looking on a matter as incredible, did not seem to warrant the return of an *ignoramus:* that seemed to belong to the jury of life and death. The chief complaint that was made in the addresses was grounded on their not finding the bill on the account of the draught of the association: and this was in many respects very unreasonable. For as that was not laid in the bill, so there was but one witness to prove it; nor did the matter of the paper rise up to the charge of high treason. And now Dugdale and Turbervill, who had been the witnesses upon whose evidence lord Stafford was condemned,

[c] Lord Somers. S.

being within a year detected, or at least suspected of this villany, I could not but reflect on what he said to me, that he was confident I should see within a year that the witnesses would be found to be rogues. 1681.

As to Turbervill, what happened soon after this will perhaps mitigate the censure: he was taken with the small pox in a few days after lord Shaftsbury's trial. The symptoms were so bad, that the physician told him he had no hope of his recovery: upon which he composed himself to die as became a Christian, and sent for Mr. Hewes, the curate of St. Martin's, who was a very worthy man, and from whom I had this account of him. Turbervill looked on himself as a dead man at the first time he came to him: but his disease did no way affect his understanding or his memory. He seemed to have a real sense of another state, and of the account that he was to give to God for his past life. Hewes charged him to examine himself; and if he had sworn falsely against any man, to confess his sin, and glorify God, though to his own shame. Turbervill, both in discourse, and when he received the sacrament, protested that he had sworn nothing but the truth, in what he deposed both against lord Stafford and the earl of Shaftsbury; and renounced the mercies of God, and the benefit of the death of Christ, if he did not speak the plain and naked truth without any reservation: and he continued in the same mind to his death. So here were the last words of dying men against the last words of those that suffered. To this may well be added, that one who died of sickness, and under a great depression 1682. Turbervill's death. 510

1682. in his spirits, was less able to stifle his conscience, and resist the impressions that it might then make on him, than a man who suffers on a scaffold, where the strength of the natural spirits is entire, or rather exalted by the sense of the cause he suffers for. And we know that confession and absolution in the church of Rome give a quiet, to which we do not pretend, where these things are said to be only ministerial, and not authoritative[f]. About a year before this, Tonge had died, who first brought out Oates. They quarrelled afterwards: and Tonge came to have a very bad opinion of Oates; upon what reason I know not[g]. He died with expressions of a very high devotion: and he protested to all who came to see him, that he knew of no subornation in all that matter, and that he was guilty of none himself. These things put a man quite in the dark: and in this mist matters must be left till the great revelation of all secrets. And there I leave it: and from the affairs of England turn to give an account of what passed in Scotland during this disorder among us here.

The affairs of Scotland.

The duke behaved himself upon his first going to Scotland in so obliging a manner, that the nobility and gentry, who had been so long trodden on by duke Lauderdale and his party, found a very sensible change: so that he gained much on them all. He continued still to support that side: yet things
511 were so gently carried, that there was no cause of complaint. It was visibly his interest to make that

[f] (Compare what is said before of Turbervill, p. 489.)

[g] (Higgons transcribes an account from Echard of a quarrel between Tonge and Oates, at which Dr. Burnet is supposed to have been present. Remarks, p. 231. This curious and not improbable anecdote is to be found in Echard's Hist. p. 949.)

nation sure to him, and to give them such an essay of his government, as might dissipate all the hard thoughts of him with which the world was possessed: and he pursued this for some time with great temper and as great success. He advised the bishops to proceed moderately, and to take no notice of conventicles in houses; and that would put an end to those in the fields. In matters of justice he shewed an impartial temper, and encouraged all propositions relating to trade: and so, considering how much that nation was set against his religion, he made a greater progress in gaining upon them than was expected[h]. He was advised to hold a parliament there in summer eighty-one, and to take the character of the king's commissioner upon himself. 1682.

A strange spirit of fury had broke loose on some of the presbyterians, called Cargillites, from one Cargill that had been one of the ministers of Glasgow in the former times, and was then very little considered, but now was much followed, to the great reproach of the nation. These held that the king had lost the right of the crown by his breaking the covenant, which he had sworn at his coronation: so they

[h] In a letter (to the first lord Dartmouth) dated the 14th of December, the duke says, "I "live here as cautiously as I "can, and am very careful to "give offence to none, and to "have no partiality, and preach "to them laying aside all pri-"vate animosities, and serving "the king his own way. None "shall have reason to com-"plain of me; and though "some of either party here "might have hoped I should "have shewed my partiality "for them, and some of my "friends have been of opinion "it had been best for me to "have done so, and by it have "secured one side to me, yet "I am convinced it was not "fit for me to do it, being no "way good for his Majesty's "service, which I can make "out by many reasons which "would be too long for a let-"ter." D.

1682. said, he was their king no more: and by a formal declaration they renounced all allegiance to him, which a party of them affixed to the cross of Dunfreis, a town near the west border. [They also taught, that it was lawful for any to kill him; and that all his party, chiefly those who were episcopal, by adhering to him, had forfeited their lives; so that it was lawful to kill them likewise.] The guards fell upon a party of them, whom they found in arms, where Cameron, one of their furious teachers, (from whom they were also called Cameronians,) was killed: but Hackston, that was one of the archbishop's murderers, and Cargill, were taken. Hackston, when brought before the council, would not own their authority, nor make any answer to their questions. He was so low by reason of his wounds, that it was thought he would die in the question if tortured: so he was in a very summary way condemned to have both his hands cut off, and then to be hanged. All this he suffered with a constancy that amazed all people: he seemed to be all the while as in an enthusiastical rapture, and insensible of what was done to him. When his hands were cut off, he asked, like one unconcerned, if his feet must be cut off likewise: and he had so strong a heart, that notwithstanding all the loss of blood by his wounds, and the cutting off his hands, yet when he was hanged up, and his heart cut out, it continued to palpitate some time after it was on the hangman's knife, as some eye-witnesses assured me.

512 Cargill, and many others of that mad sect, both men and women, suffered with an obstinacy that was so particular, that though the duke sent the offer of pardon to them on the scaffold, if they would only

say God bless the King, it was refused with great neglect: one of them, a woman, said very calmly, she was sure God would not bless him, and that therefore she would not take God's name in vain: another said more sullenly, that she would not worship that idol, nor acknowledge any other king but Christ: and so both were hanged. About fifteen or sixteen died under this delusion, which seemed to be a sort of madness: for they never attempted any thing against any person: only they seemed glad to suffer for their opinions[i]. The duke stopped that prosecution, and appointed them to be put in a house of correction, and to be kept at hard labour. Great use was made of this by profane people to disparage the suffering of the martyrs for the Christian faith, from the unshaken constancy which these frantic people expressed. But this is undeniable, that men who die maintaining any opinion, shew that they are firmly persuaded of it: so from this the martyrs of the first age, who died for asserting a matter of fact, such as the resurrection of Christ, or the miracles that they had seen, shewed that they were well persuaded of the truth of those facts. And that is all the use that is to be made of this argument. 1682.

A parliament in Scotland.

Now the time of the sitting of the parliament drew on. The duke seeing how great a man the earl of Argyle was in Scotland, concluded it was ne-

[i] (Salmon, in his Examination of this Hist. p. 896, observes, that the author had told us, that this harmless sort of people had assembled in arms, publicly renounced their allegiance to the king, and that one of them was a murderer of the archbishop of St. Andrew's. But this examiner is silent respecting the systematic persecution by which these people were goaded on to rebellion.)

1682. cessary for him either to gain him or to ruin him. Lord Argyle gave him all possible assurances that he would adhere to his interest in every thing, except in the matters of religion: but added, that if he went to meddle with these, he owned to him freely that he would oppose him all he could. This was well enough taken in shew: but lord Argyle said, he observed ever after that such a visible coldness and distrust, that he saw what he might expect from him. Some moved the excepting against the duke's commission to represent the king in parliament, since by law no man could execute any office without taking the oaths: and above forty members of parliament promised to stick to duke Hamilton if he would insist on that. But Lockhart and Cunningham, the two lawyers on whose opinion they depended chiefly, said, that a commission to represent the king's person fell not under the notion of an office: and since it was not expressly named in the acts of parliament, they thought it did not fall
513 within the general words of *all places and offices of trust.* So this was laid aside: and many who were offended at it complained of duke Hamilton's cowardice [k]. He said for himself, he had been in a storm of seven years' continuance by his opposing duke Lauderdale, and that he would not engage in a new one with a stronger party, unless he was sure of the majority: and they were far from pretending

[k] The duke (of York,) in a letter dated the 28th of Nov. says, "I believe you will have heard "of a difficulty made by some "here, about my sitting in "council. I had not time to "write to you of it till now, "and hope before this can "come to you that his majesty "will have settled it as I de- "sire, and I believe that those "that made that difficulty are "sorry to have done it." D.

to be able to bring matters to near an equality. The first act that passed was one of three lines, confirming all the laws formerly made against popery: the duke thought it would give a good grace to all that should be done afterwards, to begin with such a general and cold confirmation of all former laws. Some moved, that a committee might be appointed to examine all the former laws, (since some of them seemed unreasonably severe, as passed in the first heat of the reformation,) that so they might draw out of them all such as might be fit, not only to be confirmed, but to be executed by better and properer methods than those prescribed in the former statutes, which had been all eluded. But it was not intended that this new confirmation should have any effect: and therefore this motion was not hearkened to. But the act was hurried on, and passed. 1682.

The next act was for the unalterableness of the succession of the crown. It was declared high treason ever to move for any alterations in it. Lord Argyle ran into this with zeal: so did duke Hamilton: and all others that intended to merit by it made harangues about it. Lord Tweedale was the only man that ventured to move, that the act might be made as strict as was possible with relation to the duke: but he thought it not necessary to carry it further; since the queen of Spain stood so near the succession, and it was no amiable thing to be a province to Spain. Many were so ignorant, as not to understand the relation of the queen of Spain to the king, though she was his niece, and thought it an extravagant motion. He was not seconded: and the act passed without one contradictory vote. There was an additional revenue given for some years for

1682. keeping up more troops. Some complaints were also made of the lords of regalities, who have all the forfeitures and the power of life and death within their regalities. It was upon that promised, that there should be a regulation of these courts, as there was indeed great cause for it, these lords being so many tyrants up and down the country: so it was intended to subject these jurisdictions to the supreme judica-
514 tories. But the act was penned in such words, as imported that the whole course of justice all over the kingdom was made subject to the king's will and pleasure: so that instead of appeals to the supreme courts, all was made to end in a personal appeal to the king: and by this means he was made master of the whole justice and property of the kingdom. There was not much time given to consider things: for the duke, finding that he was master of a clear majority, drove on every thing fast, and put bills on a very short debate to the vote, which went always as he had a mind to it. An accident happened, that begot in many a particular zeal to merit at his hands: lord Rothes, who had much of his confidence, and was chiefly trusted by him, and was made a duke by his means, [fell under a perpetual coldness in his stomach, which was the effect of thirty years' intemperance to a degree beyond what had ever been known in that country. He] died the day before the opening of the parliament: so upon the hopes of succeeding him, as there were many pretenders, they tried who could deserve it best by the most compliant submission and the most active zeal.

Several accusations of perjury stifled by the duke.

As they were going on in public business, one stood up in parliament and accused lord Halton,

duke Lauderdale's brother, of perjury, on the account of Mitchell's business[1]: he had in his hands the two letters that lord Halton had writ to the earl of Kincardin, mentioning the promise of life that was made him: and, as was told formerly, lord Halton swore at his trial that no promise was made. The lord Kincardin was dead a year before this: but his lady had delivered those letters to be made use of against lord Halton. Upon reading them, the matter appeared plain. The duke was not ill pleased to have both duke Lauderdale and him thus at mercy: yet he would not suffer the matter to be determined in a parliamentary way: so he moved, that the whole thing might be referred to the king; which was immediately agreed to. So that infamous business was made public, and yet stifled at the same time: and no censure was ever put on that base action[m]. Another discovery was made of as wicked a conspiracy, though it had not such bad ef- 1682.

1 (See before, p. 412—417.)

[m] (In page 416 of this work, where mention is made of Mitchell's unhappy business, it is related, that lord Kincardine sent a bishop to duke Lauderdale, desiring him to consider better, before he denied upon oath the promise of life which had been given to Mitchell, because lord Kincardine had letters from the duke and the duke's brother in his possession, which requested him to ask the king to make good the promise. On which place of bishop Burnet's History the late lord Auchinlech, who was grandson of lady Kincardine, has written the following observation, inserted here by the favour of his lordship's grandson, James Boswell, esquire, of the Middle Temple, a gentleman well known by his own and his father's merits. "The "bishop who was sent by my "lord Kincardine was Paterson, bishop of Edinburgh, "and those very letters were "the cause of Lauderdale's disgrace. For when the duke "of York was in Scotland, he "sent for my lady Kincardine, "and asked these letters of her. "My lady told the duke, she "would not part with the originals; but that, if his grace "pleased, he might take a copy "of them. Which he did, and "shewed them to his brother "the king, who was stunned at

1682. fects, because the tools employed in it could not be wrought up to such a determined pitch of wickedness. The lord Bargeny, who was nephew to duke Hamilton, had been clapt up in prison, as concerned in the rebellion of Bothwell-bridge. Several days were fixed on for his trial: but it was always put off. And at last he was let out without having any one thing ever objected to him. When he was at liberty, he used all possible endeavours to find out on what grounds he had been committed. At last he discovered a conspiracy, in which Halton and some
515 others of that party were concerned: they had practised on some, who had been in that rebellion, to swear that he and several others were engaged in it, and that they had sent them out to join in it. They promised these witnesses a large share of the confiscated estates, if they went through in the business. Depositions were prepared for them: and they promised to swear them: upon which a day was fixed for their trial. But the hearts of those witnesses failed them, or their consciences rose upon them: so that when the day came on, they could not bring themselves to swear against an innocent man: and plainly refused to do it: yet, upon new practices and new hopes, they again resolved to swear boldly: upon which new days had been set twice or thrice: and, their hearts turning against it, they were still put off. Lord Bargeny had full proofs of all this ready to be offered: but the duke prevailed to have this likewise referred to the king: and it was never more heard of. This shewed what duke Lauder-

" the villany, and ashamed he " had employed such a minister; " and immediately ordered all " his posts and preferments to " be taken from him.")

dale's party were capable of. It likewise gave an ill character of the duke's zeal for justice, and against false swearing; though that had been the chief topic of discourse with him for above three years. He was angry at a supposed practice with witnesses, when it fell upon his own party: but now that there were evident proofs of perjury and subornation, he stopt proceedings under pretence of referring it to the king: who was never made acquainted with it, or at least never inquired after the proof of these allegations, nor ordered any proceedings upon them. 1682.

A test enacted in parliament.

The main business of this parliament was the act concerning the new test that was proposed. It had been promised in the beginning of the session, that as soon as an act for maintaining the succession should pass, they should have all the security that they could desire for the protestant religion. So, many zealous men began to call for some more effectual security for their religion: upon which a test was proposed for all that should be capable of any office in church or state, or of electing, or being elected, members of parliament, that they should adhere firmly to the protestant religion; to which the court party added, the condemning of all resistance in any sort, or under any pretence, the renouncing the covenant, and an obligation to defend all the king's rights and prerogatives, and that they should never meet to treat of any matter, civil or ecclesiastical, but by the king's permission, and never endeavour any alteration in the government in church or 516 state; and they were to swear all this according to the literal sense of the words. The test was thus loaded at first to make the other side grow weary of the motion, and let it fall, which they would

1682. willingly have done. But the duke was made to apprehend, that he would find such a test as this prove much for his service: so it seems that article of the protestant religion was forgiven for the service that was expected from the other parts of the test. There was a hot debate upon the imposing it on all that might elect or be elected members of parliament: it was said, that was the most essential of all the privileges of the subjects, therefore they ought not to be limited in it. The bishops were earnest for this, which they thought would secure them for ever from a presbyterian parliament. It was carried in the vote: and that made many of the court more zealous than ever for carrying through the act[n]. Some proposed that there should be two tests: one for papists with higher incapacities: and another for presbyterians with milder censures. But that was rejected with much scorn, some making their court by saying, they were more in danger from the presbyterians than from the papists: and it was reported that Paterson, then bishop of Edenburgh, said to the duke, that he thought the two religions, popish and protestant, were so equally stated in his mind, that a few grains of loyalty, in which the protestants had the better of the papists, turned the balance with him. Another clause in the bill was liable to great objections: all the royal family were excepted out of it. Lord Argyle spoke zealously against this: he said, the only danger we could apprehend as to popery was, if any of the royal family should happen to be perverted: therefore he thought it was better to have no act at all than such

[n] And it was very reasonable. S.

a clause in it. Some few seconded him: but it was carried without any considerable opposition. The nicest point of all was, what definition or standard should be made for fixing the sense of so general a term, as the protestant religion. Dalrymple proposed the confession of faith agreed on in the year one thousand five hundred fifty-nine, and enacted in parliament in one thousand five hundred sixty-seven, which was the only confession of faith that had then the sanction of a law. That was a book so worn out of use, that scarce any one in the whole parliament had ever read it: none of the bishops had, as appeared afterwards. For these last thirty years the only confession of faith that was read in Scotland, was that which the assembly of divines at Westminster, anno 1648, had set out, which the Scotish kirk had set up instead of the old one: and the bishops had left it in possession, though the authority that enacted it was annulled. So here a book was made the matter of an oath, (for they were to swear that they would adhere to the protestant religion, as it was declared in the confession of faith enacted in the year 1567, that contained a large system of religion, that was not so much as known to those who enacted it, yet the bishops went all into it. Dalrymple, who had read it, thought there were propositions in it, which being better considered of would make the test be let fall: for in it the repressing of tyranny is reckoned a duty incumbent on good subjects. And the confession being made after the Scots had deposed the queen regent, and it being ratified in parliament after they had forced their queen Mary to resign, it was very plain what they who made and enacted this confession meant by the

1682. 517

1682. repressing of tyranny. But the duke and his party set it on so earnestly, that upon one day's debate the act passed, though only by a majority of seven voices. There was some appearance of security to the protestant religion by this test: but the prerogative of the crown in ecclesiastical matters had been raised so high by duke Lauderdale's act, that the obliging all people to maintain that with the rest of the prerogative might have made way for every thing. All ecclesiastical courts subsisted now by this test only upon the king's permission, and at his discretion.

The parliament of Scotland was dissolved soon after this act passed: and Hyde was sent down from the king to the duke immediately upon it. It was given out, that he was sent by the king to press the duke upon this victory to shew, that what ill usage could not extort from him, he would now do of his own accord, and return to the church of England. I was assured, that lord Halifax had prevailed with the king to write to him to that purpose: the letter was writ, but was not sent: but lord Hyde had it in charge to manage it as a message [o]. How much of

[o] I have a letter of the duke's, dated Dec. 14th, in which he says, "Besides that in conscience I cannot do what you so press me to, it would not be of that use or advantage to his majesty as some think. For the Shaftsburian and republican party would say it was only a trick, that I had a dispensation, and that I was still a catholic in my heart; and say, that there was more reason to be affeared of popery than ever. The reasons are obvious; besides, I will never be brought to do it, and therefore am glad to see that the thoughts of his majesty's writing to me upon that subject is laid aside; for should he be prevailed upon to do it, one might easily guess what would soon follow after. Therefore let all my friends see to hinder such a letter, and put the thoughts of my complying with them in that point of changing my religion quite out of their heads." D.

this is true I cannot tell: one thing is certain, that if it was true it had no effect [p]. 1682.

As soon as the test with the confession of faith was printed, there was a universal murmuring among the best of the clergy. Many were against the swearing to a system made up of so many propositions, of which some were at least doubtful; though it was found to be much more moderate in many points, than could have been well expected, considering the heat of that time. There was a limitation put on the duty of subjects in the article, by which they were required not to resist any whom God had placed in authority, in these words, *while they pass not the bounds of their office:* and in another they condemned those who resist the supreme power *doing that thing which appertaineth to his charge.* These were propositions now of a very ill sound: they were also highly offended at the great extent of the prerogative in the point of supremacy, by which the king turned bishops out at pleasure by a letter. It was hard enough to bear this: but it seemed intolerable to oblige men by oath to maintain it. The king might by a proclamation put down even episcopacy itself, as the law then stood: and by this oath they would be bound to maintain that. All meeting in synods, or for ordinations, were hereafter to be held only by permission: so that all the visible ways of preserving religion depended now wholly on 518

Objections made to the test.

[p] I have a letter of the duke's, in which are these words: "What you hint to me in your "letter, and what lord Halifax "in his has more plainly said, "and has been pressed by lord "Hyde, concerning my going to "church, has mortified me very "much; since I cannot do it; "for indeed I see nothing but "ruin when such measures are "taken, as produced such a mes- "sage to me, when there was "no reason to believe I would "comply." D.

1682. the king's good pleasure: and they saw that this would be a very feeble tenure under a popish king. The being tied to all this by oath seemed very hard. And when a church was yet in so imperfect a state, without liturgy or discipline, it was a strange imposition to make people swear, never to endeavour any alteration either in church or state. Some or all of these exceptions did run so generally through the whole body of the clergy, that they were all shaking in their resolutions. To prevent this, an explanation was drawn by bishop Paterson, and passed in council. It was by it declared, that it was not meant that those who took the test should be bound to every article in the confession of faith, but only in so far as it contained the doctrine upon which the protestant churches had settled the reformation: and that the test did not cut off those rights, which were acknowledged to have been in the primitive church for the first three hundred years after Christ: and an assurance was given, that the king intended never to change the government of the church. By this it was pretended that the greatest difficulties were now removed. But to this it was answered, that they were to swear they took the oath in the literal sense of the words. So that, if this explanation was not conform to the literal sense, they would be perjured who took it upon this explanation. The imposers of an oath could only declare the sense of it: but that could not be done by any other, much less by a lower
519 authority, such as the privy council's was confessed to be. Yet when men are to be undone if they do not submit to a hard law, they willingly catch at any thing that seems to resolve their doubts.

Many turned out for not taking it.

About eighty of the most learned and pious of

their clergy left all, rather than comply with the terms of this law: and these were noted to be the best preachers, and the most zealous enemies to popery, that belonged to that church. The bishops, who thought their refusing the test was a reproach to those who took it, treated them with much contempt, and put them to many hardships. About twenty of them came up to England[q]: I found them men of excellent tempers, pious and learned, and I esteemed it no small happiness that I had then so much credit by the ill opinion they had of me at court, that by this means I got most of them to be well settled in England; where they have behaved themselves so worthily, that I have great reason to rejoice in being made an instrument to get so many good men, who suffered for their consciences, to be again well employed and well provided for. Most of them were formed by Charteris, who had been always a great enemy to the imposing of books and systems as tests that must be signed and sworn by such as are admitted to serve in the church. He had been for some years divinity professor at Edenburgh, where he had formed the minds of many of the young clergy both to an excellent temper and to a set of very good principles. He upon this retired, and lived private for some years: he writ to me, and gave me an account of this breach that was like to be in the church: and desired that I would try, by all the methods I could think of, to stop the proceedings upon the test. But the king had put the affairs of Scotland so entirely in the duke's hands, and the bishops here were so pleased with those clauses in the test that renounced the covenant and all endeavours for any alteration in church and 1682.

[q] Enough to corrupt England. S.

1682. state, that I saw it was in vain to make any attempt at court. [I therefore wished, that they in Scotland would go as far as they could with a good conscience in compliance with the law, and not bring a church already rent with schisms under new distractions, if it was possible to avoid them. At the same time duke Hamilton wrote to me, for my opinion concerning the test. I answered him, that I thought the objections to it were managed with too much subtilty. I did not carry these things so far as others did. If it was against his conscience, I prayed him to have no regard to his interest, and upon no account take any oath, till he was satisfied it was lawful. But if he had no scruple in his own mind about it, and only pretended that to gratify a party, I said that, as that would be a mocking of God, so he would be made uneasy in it. For lord Halifax assured me, that he was looked on as a man that was setting himself at the head of the party in opposition to the government, and he might easily foresee what the consequence of that would be. He stood in suspense for some months; yet took it at last. And for that I was much blamed by the party. It was said my letter determined him. I also wrote a paper to answer the objections raised to the test, which was sent about among my friends. For though I did not like it, and should never have consented to the making of it; yet I wished that all bad scruples about it might have been satisfied, and that these worthy clergymen, who were turned out upon it, and who were the ablest men in that church, and the fittest to make a stand against popery, might return to their labours. Yet so ill was I represented upon that occasion, that the duke was made

believe, that I was a great stickler in all the opposition that was made to the test, and he possessed the king with it.] 1682.

Upon this matter an incident of great importance happened: the earl of Argile was a privy counsellor, and one of the commissioners of the treasury: so when the time limited was near lapsing, he was forced to declare himself[r]. He had once resolved to retire from all employments, but his engagements with duke Lauderdale's party, and the entanglements of his own affairs, overcame that. His main objection lay to that part which obliged them to endeavour no alteration in the government in church or state, which he thought was a limitation of the legislature. He desired leave to explain himself in that point: and he continued always to affirm, that the duke was satisfied with that which he proposed: so being called on the next day at the council table to take the test, he said, he did not think that the parliament did intend an oath that should have any contradictions in one part of it to another; therefore he took the test, as it was consistent with it self: (this related to the absolute loyalty in the test, and the limitations that were on it in the confession:) and he added, that he did not intend to bind himself up by it from doing any thing in his station for the amending of any thing in church or state, so far as was consistent with the protestant Argile's explanation. 520

[r] In a letter of the duke's, dated Nov. 1st, he says, "Lord "Argile is here, and has not "yet taken it, (the test,) but "by Thursday next he must; "or lose all his places, which "he will be unwilling to do." In another of the 5th, "You "will hear from lord Hyde, of "lord Argile's having taken the "test, and spoiled all again by "not taking it yesterday as one "of the lords of the treasury." On the 12th, "People seem lit-"tle concerned for lord Argile's "being put into the castle." D.

1682. religion and the duty of a good subject: and he took that as a part of his oath. The thing passed, and he sat that day in council; and went next day to the treasury chamber, where he repeated the same words. Some officious people upon this came and suggested to the duke, that great advantage might be taken against him from these words. So at the treasury chamber he was desired to write them down, and give them to the clerk, which he did, and was immediately made a prisoner in the castle of Edenburgh upon it. It was said, this was high treason, and the assuming to himself the legislative power, in his giving a sense of an act of parliament, and making that a part of his oath. It was also said, that his saying that he did not think the parliament intended an oath that did contradict it self, was a tacit way of saying that he did think it, and was a defaming and a spreading lies of the proceedings of parliament, which was capital. The liberty that he reserved to himself was likewise called treasonable, in assuming a power to act against law: these were such apparent stretches, that for some days it was believed all this was done only to affright him to a more absolute submission, and to surrender up some of those great jurisdictions over the Highlands that were in his family. He desired he might be admitted to speak with the duke in private: but that was refused. He had let his old correspondence with me fall for some years: but I thought it became me in this extremity to serve him all I could. And I prevailed with lord Halifax to speak so oft to the king about it, that it came to be known: and lord Argile writ me some letters of thanks upon it. Duke Lauderdale was

He was committed upon it.

still in a firm friendship with him, and tried his whole strength with the king to preserve him: but he was sinking both in body and mind, and was like to be cast off in his old age. Upon which I also prevailed with lord Halifax to offer him his service, for which duke Lauderdale sent me very kind messages. I thought these were the only returns that I ought to make him for all the injuries he had done me, thus to serve him and his friends in distress. But the duke of York took this, as he did every thing from me, by the worst handle possible. He said, I would reconcile my self to the greatest enemies I had in opposition to him. Upon this it was not thought fit upon many accounts that I should go and see duke Lauderdale, which I had intended to do. It was well known I had done him acts of friendship: so the scandal of being in enmity with him was over: for a Christian is no man's enemy: and he will always study to overcome evil with good. 1682. 521

Lord Argile was brought to a trial for the words he had spoke. The fact was certain: so the debate lay in a point of law, what guilt could be made out of his words[s]. Lockhart pleaded three hours for Argile is tried and condemned.

[s] Dec. 13th, the duke says, "Lord Argile's trial began yesterday, and their forms in the "justice court are so tedious, "that they could not make an "end of it then, but will, as I "believe, this evening; and have "reason to believe the jury will "find the bill, and not *ignoramus*, and that that little lord "will be once again at his majesty's mercy." "Since I "wrote this, I have had an account that the jury, of which "the marquis of Montrose "was chancellor, as they call "them here, have found lord "Argile guilty of treason, and "other crimes, so that he is "absolutely in his majesty's "hands." D. (This extract has been already published by sir John Dalrymple in his Memoirs, vol. ii. Appendix, p. 67.)

1682. him, and shewed so manifestly that his words had no sort of criminousness, much less of treason in them, that, if his cause had not been judged before his trial, no harm could have come to him. The court that was to judge the point of law (or the relevancy of the libel, as it is called in Scotland) consisted of a justice general, the justice clerk, and of five judges. The justice general does not vote, unless the court is equally divided. One of the judges was deaf, and so old that he could not sit all the while the trial lasted, but went home and to bed. The other four were equally divided: so the old judge was sent for: and he turned it against lord Argile. The jury was only to find the fact proved: but yet they were officious, and found it treason: and, to make a shew of impartiality, whereas in the libel he was charged with perjury for taking the oath falsely, they acquitted him of the perjury. No sentence in our age was more universally cried out on than this. All people spoke of it, and of the duke who drove it on, with horror: all that was said to lessen that was, that duke Lauderdale had restored the family with such an extended jurisdiction, that he was really the master of all the Highlands: so that it was fit to attaint him, that by a new restoring him these grants might be better limited. This, as the duke wrote to the king, was all he intended by it, as lord Halifax assured me.

522 But lord Argile was made believe, that the duke intended to proceed to execution. Some more of the guards were ordered to come to Edenburgh. Rooms were also fitted for him in the common gaol, to which peers use to be removed a few days before their execution. And a person of quality, whom

lord Argile never named, affirmed to him on his honour, that he heard one who was in great favour say to the duke, The thing must be done, and that it would be easier to satisfy the king about it after it was done, than to obtain his leave for doing it. It is certain, many of the Scotish nobility did believe that it was intended he should die[t]. 1682.

Upon these reasons lord Argile made his escape out of the castle in a disguise. Others suspected those stories were sent to him on purpose to frighten him to make his escape; as that which would justify further severities against him. He came to London, and lurked for some months there. It was thought I was in his secret. But though I knew one that knew it, and saw many papers that he then writ, giving an account of all that matter, yet I abhorred lying: and it was not easy to have kept out of the danger of that, if I had seen him, or known where he was: so I avoided it by not seeing him. One that saw him knew him, and went and told the king of it: but he would have no search made for him, and retained still very good thoughts of him. In one of lord Argile's papers he writ, that, if ever he was admitted to speak with the king, he could convince him how much he merited at his hands by that which had drawn the duke's

He made his escape.

[t] "I find by yours of the 27th of last month, that people take all the pains they can to tax me with severity in this affair of lord Argile's: it is not the first wrong of that kind which has been done me, as those who are acquainted with the laws of this country know very well: and has but to thank himself for what has happened to him; and to shew you what wrong is done me, if I had not hindered his being fallen on in parliament, they had brought him there, in as ill a condition as to his fortune, as he is now." (Duke of York's letter to Lord Dartmouth.) D.

1682. indignation on him. He that shewed me this explained it, that at the duke's first being in Scotland, when he apprehended that the king might have consented to the exclusion, he tried to engage lord Argile to stick to him in that case; who told him, he would always be true to the king, and likewise to him when it should come to his turn to be king, but that he would go no farther, nor engage himself in case the king and he should quarrel.

I had lived many years in great friendship with the earl of Perth: I lived with him as a father with a son for above twelve years: and he had really the submissions of a child to me. So, he having been on lord Argile's jury, I writ him a letter about it with the freedom that I thought became me: he, to merit at the duke's hands, shewed it to him, as he himself confessed to me. I could very easily forgive him, but could not esteem him much after so unworthy an action. He was then aspiring to
523 great preferment, and so sacrificed me to obtain favour: but he made greater sacrifices afterwards. The duke now seemed to triumph in Scotland. All stooped to him. The presbyterian party was much depressed. The best of the clergy were turned out. Yet, with all this, he was now more hated there than ever. Lord Argile's business made him be looked on as one that would prove a terrible master when all should come into his hands. He had promised to redress all the merchants' grievances with relation to trade, that so he might gain their concurrence in parliament: but, as soon as that was over, all his promises were forgotten. The accusations of perjury were stifled by him. And all the complaints of the great abuse lord Halton was guilty

of in the matter of the coin ended in turning him out of all his employments, and obliging him to compound for his pardon, by paying 20,000*l.* to two of the duke's creatures: [one of whom he had advanced soon after to be chancellor of Scotland, Aberdeen:] so that all the reparation the kingdom had for the oppression of so many years, and so many acts of injustice, was, that two new oppressors had a share of the spoils, who went into the same tract, or rather invented new methods of oppression, [in which the new chancellor exceeded all that had gone before him. He had a small estate which he resolved to raise up, till it should hold a proportion to his new title: for he was made earl of Aberdeen.] All these things, together with a load of age and of a vast bulk, sunk duke Lauderdale so, that he died that summer. His heart seemed quite spent: there was not left above the bigness of a walnut of firm substance: the rest was spongy, liker[u] the lungs than the heart. 1682.

The duke had leave given him to come to the king at Newmarket: and there he prevailed for leave to come up, and live again at court. As he was going back to bring the duchess, the Gloucester frigate, that carried him, struck on a bank of sand. The duke got into a boat: and took care of his dogs, and some unknown persons who were taken from that earnest care of his to be his priests: the long boat went off with very few in her, though she might have carried off above eighty more than she did[x]. One hundred and fifty persons perished: some of The duke comes to court.

[u] Anglice, more like. S.

[x] ("Sir John Berry the commander was cleared of being in any fault by his majesty and the council. But captain Ayres the pilot was sentenced to perpetual imprisonment for his negligence." *Complete History of England*, vol. iii. p. 395. See also an account of this sad dis-

1682. them men of great quality. But the duke took no notice of this cruel neglect, which was laid chiefly to Leg's charge[y].

aster in the Life of king James II. vol. i. p. 731. where it is said, that only Mr. Churchill and one or two more were invited by the duke to go into the shallop; and that the perishing sailors gave a loud huzza, when they saw his royal highness in safety.)

[y] The ground of this reflection was, that he stood with his sword drawn, to hinder the crowd from oversetting the boat the duke was in; which the bishop thought was a fault. But he had forgot a famous story, of a struggle between sir Charles Scarborow and the duke's dog Mumper, which would have convinced him that the dogs took care of themselves. D. See a letter from the earl of Dartmouth to Erasmus Lewis, esq. in which this charge is refuted, p. 826. H. L. (Henry Legge.) (The letter is here subjoined, although it has been already published by Sir John Dalrymple in his Memoirs, Appendix, p. 71.)

To Erasmus Lewis, Esq.

Sandwell,

Sir, Jan. 25, 1723-4.

This is only in answer to the last paragraph in your's of the 21st. My father was on board the Glocester, but so little deserved to have the drowning 150 men (which the bishop has so liberally bestowed upon him) laid chiefly to his charge, that it was in great measure owing to him that any escaped. After the ship had struck, he several times pressed the duke to get into the boat, who refused to do it, telling him, that if he were gone, nobody would take care of the ship, which he had hopes might be saved, if she were not abandoned. But my father finding she was ready to sink, told him if he staid any longer they should be obliged to force him out; upon which the duke ordered a strong box to be lifted into the boat, which besides being extremely weighty, took up a good deal of time, as well as room. My father asked him with some warmth, if there was any thing in it worth a man's life. The duke answered, that there were things of so great consequence, both to the king and himself, that he would hazard his own, rather than it should be lost. Before he went off, he enquired for lord Roxburgh, and lord Obrian, but the confusion and hurry was so great, that they could not be found. When the duke and as many as she would hold with safety were in the boat, my father stood with his sword drawn, to hinder the crowd from oversetting of her, which, I suppose, was what the bishop esteemed a fault: but the king thanked him publicly for the care he had taken of the duke; and the duchess, who was not apt to favour him much upon other occasions, said upon this, that she thought herself more obliged to him, than to any man in the world, and should do so as long as she lived. I cannot

In Scotland the duke declared the new ministers: Gordon, now earl of Aberdeen, was made chancellor: and Queensbury was made treasurer: and the care of all affairs was committed to them. [But they both were very proud and very covetous men; so that it was not probable that their friendship could last long.] 1682. A new ministry in Scotland.

The duke at parting recommended to the council to preserve the public peace, to support the church, and to oblige all men to live regularly in obedience to the laws. The bishops made their court to him with so much zeal, that they wrote a letter to the archbishop of Canterbury, to be communicated to 524 the rest of the English bishops, setting forth in a very high strain his affection to the church, and his care of it: and, lest this piece of merit should have been stifled by Sancroft, they sent a copy of it to the press; which was a greater reproach to them than a service to the duke, who could not but despise such abject and indecent flattery. The proceedings against conventicles were now like to be severer than ever: all the fines, that were set so high by law that they were never before levied but on some particular in-

guess what induced the bishop to charge my father with the long boat's not being sufficiently manned; for if that were true, (which I much doubt,) it was not under his direction, he being on board in no other capacity but as a passenger, and the duke's servant. And I believe his reflection upon the duke for his care of the dogs, to be as ill grounded, for I remember a story, (that was in every body's mouth at that time,) of a struggle that happened for a plank between Sir Charles Scarborough, and the duke's dog Mumper, which convinces me that the dogs were left to take care of themselves, (as he did,) if there were any more on board; which I never heard until the bishop's story book was published. This is all in relation to that affair that ever came to the knowledge of,

Sir,
Your most faithful,
humble servant,
DARTMOUTH.

1682. stances, were now ordered to be levied without exception. All people upon that saw, they must either conform or be quite undone. The chancellor laid down a method for proceeding against all offenders punctually: and the treasurer was as rigorous in ordering all the fines to be levied.

They proceeded with great severity.

When the people saw this, they came all to church again: and that in some places where all sermons had been discontinued for many years. But they came in so awkward a manner, that it was visible they did not mean to worship God, but only to stay some time within the church walls: and they were either talking or sleeping all the while. Yet most of the clergy seemed to be transported with this change of their condition, and sent up many panegyrics of the glorious services that the duke had done their church. [This compliance shewed how soon the presbyterians could overcome all their scruples; when they saw what they were to suffer for them, so that the enemies of religion gained their point, by observing[z]] the ill nature of the one side, and the cowardliness of the other, and pleased themselves in censuring them both. And by this means an impious and atheistical leaven began to corrupt most of the younger sort. This has since that time made a great progress in that kingdom, which was before the freest from it of any nation in Christendom. The beginnings of it were reckoned from the duke's stay among them, and from his court, which have been cultivated since with much care, and but too much success.

About the end of the year two trials gave all peo-

[z] In the printed copy was substituted, *The enemies of religion observed.*

ple sad apprehensions of what they were to look for. 1682.
One Home was charged by a kinsman of his own for having been at Bothwell-bridge. All gentlemen of estates were excepted out of the indemnity: so he, having an estate, could have no benefit by that. One swore, he saw him go into a village, and seize on some arms: another swore, he saw him ride towards the body of the rebels: but none did swear that they saw him there. He was indeed among them: but there was no proof of it. And he proved, that he was not in the company where the single witness 525
swore he saw him seize on arms, and did evidently discredit him: yet he was convicted and condemned on that single evidence, that was so manifestly proved to be infamous. Many were sensible of the mischievousness of such a precedent: and great applications were made to the duke for saving his life: but he was not born under a pardoning planet[a]. Lord Aberdeen, the chancellor, prosecuted Home with the more rigour, because his own grandfather had suffered in the late times for bearing arms on the king's side, and Home's father was one of the jury that cast him. The day of his execution was set to be on the same day of the year on which lord Stafford had suffered; which was thought done in compliment to the duke, as a retaliation for his blood. Yet Home's infamous kinsman, who had so basely sworn against him, lived not to see his execution; for he died before it full of horror for what he had done. Another trial went much deeper; and the consequences of it struck a terror into the whole country.

One Weir, of Blakewood, that managed the mar-

[a] A silly fop. S.

1682. quess of Douglass's concerns, was accused of treason for having kept company with one that had been in the business of Bothwell-bridge. Blakewood [had at that time no good character; which is the common fate of all that govern other men's affairs; though upon this occasion, his accounts being exactly looked into, they discovered an extraordinary degree of fidelity and exactness. He] pleaded for himself, that the person on whose account he was now prosecuted as an abettor of traitors, had never been marked out by the government by process or proclamation. It did not so much as appear that he had ever suspected him upon that account. He had lived in his own house quietly for some years after that rebellion before he employed him: and if the government seemed to forget his crime, it was no wonder if others entered into common dealings with him. All the lawyers were of opinion, that nothing could be made of this prosecution: so that Blakewood made use of no secret application, thinking he was in no danger. But the court came to a strange sentence in this matter, by these steps: they judged, that all men who suspected any to have been in the rebellion were bound to discover such their suspicion, and to give no harbour to such persons: that the bare suspicion made it treason to harbour the person suspected, whether he was guilty or not: that if any person was under such a suspicion, it was to be presumed that all the neighbourhood knew it: so that there was no need of proving that against any particular person, since the presumption of law did prove
526 it: and it being proved that the person with whom Blakewood had conversed lay under that suspicion, Blakewood was upon that condemned as guilty of

high treason. This was such a constructive treason, 1682.
that went upon so many unreasonable suppositions, that it showed the shamelessness of a sort of men who had been for forty years declaiming against a parliamentary attainder for a constructive treason in the case of the earl of Strafford, and did now in a common court of justice condemn a man upon a train of so many inferences, that it was not possible to make it look even like a constructive treason. The day of his execution was set: and though the marquis of Douglas writ earnestly to the duke for his pardon, that was denied. He only obtained two months' reprieve, for making up his accounts. The reprieve was renewed once or twice: so Blakewood was not executed. This put all the gentry in a great fright: many knew they were as obnoxious as Blakewood was: and none could have the comfort to know that he was safe. This revived among them a design, that Lockhart had set on foot ten years before, of carrying over a plantation to Carolina. All the presbyterian party saw they were now disinherited of a main part of their birthright[b], of choosing their representatives in parliament: and upon that they said, they would now seek a country where they might live undisturbed, as freemen and as Christians. The duke encouraged the motion: he was glad to have many untoward people sent far away, who, he reckoned, would be ready upon the first favourable conjuncture to break out into a new rebellion. Some gentlemen were sent up to treat with the patentees of Carolina: they did not like the government of those *palatinates*, as they were called: yet the prospect of so great a colony ob-

[b] As much of papists as of presbyterians. S.

1682. tained to them all the conditions they proposed. I was made acquainted with all the steps they made; for those who were sent up were particularly recommended to me; [and seemed to depend much on the advices I gave him (them.)] In the negotiation this year there was no mixing with the malecontents in England: only they who were sent up went among among them, and informed them of the oppressions they lay under; in particular of the terror with which this sentence against Blakewood had struck them all. The court resolved to prosecute that farther: for a proclamation was issued out in the beginning of the year eighty-three, by which the king ordered circuit courts to be sent round the western and southern counties, to inquire after all who had been guilty of harbouring or conversing with those who had been in rebellion, even though there had
527 been neither process nor proclamation issued out against them. He also ordered, that all who were found guilty of such converse with them should be prosecuted as traitors. This inquisition was to last three years: and at the end of that time all was to conclude in a full indemnity to such as should not be then under prosecution. But the indemnity was to take place immediately to all such as should take the test. This was perhaps such a proclamation as the world had not seen since the days of the duke of Alva. Upon it great numbers run in to take the test, declaring at the same time that they took it against their consciences: but they would do any thing to be safe. Such as resolved not to take it were trying how to settle or sell their estates; and resolved to leave the country, which was now in a very oppressed and desperate state.

But I must next turn again to the affairs of England. The court was every where triumphant. The duke was highly complimented by all, and seemed to have overcome all difficulties. The court, not content with all their victories, resolved to free themselves from the fears of troublesome parliaments for the future. The cities and boroughs of England were invited and prevailed on, to demonstrate their loyalty, by surrendering up their charters, and taking new ones modeled as the court thought fit. It was much questioned, whether those surrenders were good in law or not: it was said, that those who were in the government in corporations, and had their charters and seals trusted to their keeping, were not the proprietors nor masters of those rights: they could not extinguish those corporations, nor part with any of their privileges. Others said, that whatever might be objected to the reason and equity of the thing, yet, when the seal of a corporation was put to any deed, such a deed was good in law [c]. The matter goes beyond my skill in law to determine it; this is certain, that whatsoever may be said in law, there is no sort of theft or perfidy more criminal, than for a body of men, whom their neighbours have trusted with their concerns, to steal away their charters, and affix their seals to such a deed, betraying in that their trust and their oaths. In former ages, corporations were jealous of their privileges and customs to excess and superstition. So that it looked like a strange degeneracy, when all these were now delivered up; and this on design to pack a parliament that might make way for a popish

1682.

Affairs in England.

All charters of towns were surrendered to the king.

[c] What does he think of the surrender of the charters of abbeys? S. (See what is said on this point below, in p. 534.)

1682. king. So that, instead of securing us from popery
528 under such a prince, these persons were now contriving ways to make all easy to him. Popery at all times has looked odious and cruel: yet what the emperor had lately done in Hungary, and what the king of France was then doing against protestants in that kingdom, shewed that their religion was as perfidious and as cruel in this age as it had been in the last; and by the duke's government of Scotland, all men did see what was to be expected from him. All this laid together, the whole looked like an extravagant fit of madness: yet no part of it was so unaccountable, as the high strains to which the universities and most of the clergy were carried. The nonconformists were now prosecuted with much eagerness. This was visibly set on by the papists: and it was wisely done of them; for they knew how much the nonconformists were set against them [d]; and therefore they made use of the indiscreet heat of some angry clergymen to ruin them: this they knew would render the clergy odious, and give the papists great advantages against them, if ever they should strike up into an opposition to their designs.

The dispute concerning the sheriffs of London.

At midsummer a new contest discovered how little the court resolved to regard either justice or decency. The court had carried the election of Sir John Moor to be mayor of the city of London at Michaelmas eighty-one. He was the alderman on whom the election fell in course. Yet some who knew him well were for setting him aside, as one whom the court would easily manage. He had been a non-

[d] Not so much as they are against the church. S.

conformist himself, till he grew so rich that he had a mind to go through the dignities of the city: but though he conformed to the church, yet he was still looked on as one that in his heart favoured the sectaries: and upon this occasion he persuaded some of their preachers to go among their congregations to get votes for him. Others, who knew him to be a flexible and faint-hearted man, opposed his election: yet it was carried for him. The opposition that was made to his election had sharpened him so much, that he became in all things compliant to the court, in particular to secretary Jenkins, who took him into his own management. When the day came in which the mayor used to drink to one, and to mark him out for sheriff, he drank to North, a merchant that was brother to the chief justice [e]. Upon that it was pretended, that this ceremony was not a bare nomination, which the common hall might receive or refuse as they had a mind to it; but that this made the sheriff, and that the common hall was bound to receive and confirm him in course, as the king did the mayor. On the other hand it was said, that the right was to be determined by the charter, which granted the election of the sheriffs to the citizens of London: and that, whatever customs had crept in among them, the right still lay where the charter had 1682. 529

[e] (Harris, in his Life of Charles II. p. 343, says, his lordship pretended a right, for many years disused, whatever the old practice might have been, to nominate one of the sheriffs by drinking to him. Lord John Russell, in his Life of Lord Russell, p. 172, adds, "That the letter of the charter "and various precedents de- "monstrate, beyond all doubt, "that this right of election re- "sided in the citizens at large, "and that the choice allowed "to the lord mayor was only a "matter of courtesy between "the city and its chief magis- "trate.")

1682. lodged it among the citizens. But the court was resolved to carry this point: and they found orders that had been made in the city concerning this particular, which gave some colour to this pretension of the mayor's. So he claimed it on midsummer-day: and said, the common hall were to go and elect one sheriff, and to confirm the other that had been declared by him. The hall on the other hand said, that the right of choosing both was in them. The old sheriffs put it, according to custom, to a poll: and it was visible, the much greater number was against the lord mayor. The sheriffs were always understood to be the officers of that court: so the adjourning it belonged to them: yet the mayor adjourned the court; which they said he had no power to do, and so went on with the poll. There was no disorder in the whole progress of the matter, if that was not to be called one, that they proceeded after the mayor had adjourned the poll. But though the mayor's party carried themselves with great insolence towards the other party, yet they shewed on this occasion more temper than could have been expected from so great a body, who thought their rights were now invaded. The mayor upon this resolved to take another poll, to which none should be admitted but those who were contented to vote only for one, and to approve his nomination for the other. And it was resolved, that his poll should be that by which the business should be settled: and though the sheriffs' poll exceeded his by many hundreds, yet order was given to return those on the mayor's poll, and that they should be sworn; and so those of the sheriffs' poll should be left to seek their remedy by law, where they could find it. Box, who was chosen by the

mayor's party, and joined to North, had no mind to serve upon so doubtful an election, where so many actions would lie, if it was judged against them at law: and he could not be persuaded to hold it. So it was necessary to call a new common hall, and to proceed to a new election: and then, without any proclamation made as was usual, one in a corner near the mayor named Rich, and about thirty more applauded it, those in the hall, that was full of people and of noise, hearing nothing of it. Upon this it was said, that Rich was chosen without any contradiction: and so North and Rich were returned, and sworn sheriffs for the ensuing year. The violence and the injustice with which this matter was managed, shewed that the court was resolved to carry that point at any rate: and this gave great occasions of jealousy, that some wicked design was on foot, for which it was necessary in the first place to be sure of favourable juries. 1682. 530 Carried by the court.

Lord Shaftsbury upon this, knowing how obnoxious he was, went out of England. His voyage was fatal to him: he just got to Amsterdam to die in it. Of the last parts of his life I shall have some occasion to make mention afterwards. When Michaelmas-day came, those who found how much they had been deceived in Moor, resolved to choose a mayor that might be depended on. The poll was closed when the court thought they had the majority: but upon casting it up, it appeared they had lost it: so they fell to canvass it: and they made such exceptions to those of the other side, that they discounted as many voices as gave them the majority. This was also managed in so gross a manner, that it was visible the court was resolved by fair or foul means to

1682. have the government of the city in their own hands. But because they would not be at this trouble, nor run this hazard every year, it was resolved that the charter of the city must either be given up, or be adjudged to the king. The former was much the easier way: so great pains was taken to manage the next election of the common council, so as that they might be tractable in this point. There was much injustice complained of in many of the wards of the city, both in the poll and in the returns that were made. In order to the disabling all the dissenters from having a vote in that election, the bishop and clergy of London were pressed by the court to prosecute them in the church courts, that so they might excommunicate them; which some lawyers thought would render them incapable to vote, though other lawyers were very positively of another opinion. It is certain it gave at least a colour to deny them votes. The bishop of London began to apprehend, that things were running too fast, and was backward in the matter. The clergy of the city refused to make presentments: the law laid that on the church-wardens: and so they would not meddle officiously. The king was displeased with them for their remissness: but after all the practices of the court, in the returns of the
531 common council of the city, they could not bring it near an equality for delivering up their charter. Jenkins managed the whole business of the city with so many indirect practices, that the reputation he had for probity was much blemished by it[f]: he

[f] (Of the proceedings in the city at the election of lord mayor and sheriffs, a different account from the above is given,

seemed to think it was necessary to bring the city to a dependence on the court in the fairest methods he could fall on; and, if these did not succeed, that then he was to take the most effectual ones, hoping that a good intention would excuse bad practices [g]. 1682.

Changes in the ministry, and quarrels among them.

The earl of Sunderland had been disgraced after the exclusion parliaments, as they were now called, were dissolved: but the king had so entire a confidence in him, and lady Portsmouth was so much in his interests, that upon great submissions made to the duke he was again restored to be secretary this winter. Lord Hide was the person that disposed the duke to it: upon that, lord Halifax and he fell to be in ill terms: for he hated lord Sunderland beyond expression, though he had married his sister [h]. From lord Sunderland's returning to his post all men concluded, that his declaring as he did for the exclusion was certainly done by direction from the king, who naturally loved craft and a double game, that so he might have proper instruments to work by, which way soever he had turned himself in that affair. The king was the more desirous to have lord Sunderland again near him, that he might have somebody about him who understood foreign affairs. Jenkins understood nothing: but he had so much

both in Echard's Hist. of England, pp. 1021, 1022, and in North's Examen of the Critical Hist. of England, p. 587—618.)

[g] But since this history came out, there has been published the life of Jenkins, in which there is a letter of his to the duke of York, very strongly and honestly dissuading him from the extremity of prosecuting the city for a forfeiture of their charter, or seizing their liberties. O.

[h] Who married whose sister? S. (Lord Halifax had married lord Sunderland's sister.)

1682. credit with the high church party, that he was of great use to the court. Lord Conway was brought in to be the other secretary, who was so very ignorant of foreign affairs, that his province being the north, when one of the foreign ministers talked to him of the circles of Germany, it amazed him: he could not imagine what circles had to do with affairs of state. He was now dismissed. Lord Halifax and lord Hide fell to be in an open war, and were both much hated. Lord Halifax charged Hide, who was at this time made earl of Rochester, of bribery, for having farmed a branch of the revenue much lower than had been proffered for it. Lord Halifax acquainted the king first with it: and, as he told me, he desired lord Rochester himself to examine into it, he being inclined to think it was rather an abuse put on him, than corruption in himself. But he saw lord Rochester was cold in the matter, and instead of prosecuting any for it, protected all concerned in it. He
532 laid the complaint before the king in council: and to convince the king how ill a bargain he had made, the complainers offered, if he would break the bargain, to give him 40,000*l.* more than he was to have from the farmers. He looked also into the other branches of the revenue, and found cause to suspect much corruption in every one of them: and he got undertakers to offer at a farm of the whole revenue. In this he had all the court on his side: for the king being now resolved to live on his revenue, without putting himself on a parliament, he was forced on a great reduction of expense: so that many payments run in arrear: and the whole court was so ill paid, that the offering any thing that would raise the re-

venue, and blemish the management of the treasury, 1682.
was very acceptable to all in it. Lord Rochester [was become so outrageous and insolent, that he] was also much hated: but the duke and the lady Portsmouth both protected the earl of Rochester so powerfully, that even propositions to the king's advantage, which blemished him, were not hearkened to. This touched in too tender a place to admit of a reconciliation: the duke forgot all lord Halifax's service in the point of the exclusion[i]. And the dearness that was between them was now turned upon this to a coldness, and afterwards to a most violent enmity. Upon this occasion lord Halifax sent for me, (for I went no more near any that belonged to the court,) and he told me the whole matter. I asked him how he stood with the king: he answered, that neither he nor I had the making of the king: God had made him of a particular composition. He said, he knew what the king said to himself: I asked him, if he knew likewise what he said to others; for he was apt to say to his several ministers whatsoever he thought would please them, as long as he intended to make use of them. By the death of the earl of Nottingham the seals were given to North, who was made lord Guilford[k]. He had not the virtues of

i It appears by many of the duke's letters, that he always looked upon lord Halifax as the most dangerous enemy he had, though in one he makes great acknowledgments for his behaviour in the bill of exclusion: but he thinks if he had been really his friend, he would not have proposed the next day his banishment and other limitations, which he understood were of worse consequence to himself and the monarchy, than even the bill itself. D.

k He was not made lord Guilford till the year after; which I take notice of, because this mistake led the bishop to expose himself very much, before a very large assembly. The last lord Guilford and I were appointed with him in a commission of delegates, to try the

1682. his predecessor: but he had parts far beyond him: they were turned to craft: so that whereas the former seemed to mean well even when he did ill, this man was believed to mean ill even when he did well [l]. The court finding that the city of London could not be wrought on to surrender their charter, resolved to have it condemned by a judgment in the king's bench. Jones had died in May [m]: so now Pollexphen and Treby were chiefly relied on by the city in this matter. Sawyer was the attorney general, a dull hot man, and forward to serve all the designs of

validity of the old earl of Macclesfield's will. When we came to sign the decree, the bishop, after he had signed it himself, thrust it to lord Guilford, who very civilly put it back to me. Burnet said he ought to sign first, for he was an elder baron. Lord Guilford told him he knew that was not so, and that lord Stawell was between him and me. The bishop said he could venture to be very positive that he was in the right. Chief baron Ward seeing him persevere in his impertinence, desired I would end the dispute, for I was first named in the commission, which would not have been, if it were not my due. Upon which I took the pen, and said, I supposed his lordship would give us leave to know our own rank, but hoped that he did not think either of us looked upon every body that went before us, to be our betters; which occasioned a very universal laugh, and the bishop was as much out of countenance as he was capable of being. D.

[l] (See more in a note below concerning the lord keeper Guilford at p. 665.)

[m] He died at Hampden, in Bucks, of a cold he took there by unaired sheets. The old lord Trevor, who was well known to him, and related to Mr. Hampden, and acquainted with many of the party, told me that it was thought a great felicity to sir William Jones, by his nearest friends, that he died at this time: for as he was privy to the consultations and designs of the lord Russel and the others of his set, and having made himself as obnoxious to the court as any of them, and because of his superior abilities, more dangerous; it was very likely he would have fallen under the suspicion at least of being engaged in the plot my lord Russel suffered for, and have been treated with a particular severity, which his timid nature could not have borne, and might have drawn confessions from him, injurious to his friends and his own character. O.

the court. He undertook, by the advice of Sanders, a learned but a very immoral man, to overthrow the charter [n]. 1682. 533

The two points upon which they rested the cause were, that the common council had petitioned the king upon a prorogation of parliament that it might meet on the day to which it was prorogued, and had taxed the prorogation as that which occasioned a delay of justice: this was construed to be the raising sedition, and the possessing the people with an ill opinion of the king and his government. The other point was, that the city had imposed new taxes on their wharfs and markets, which was an invasion of the liberty of the subject, and contrary to law. It was said, that all that the crown gave was forfeitable back to the crown again upon a maleversation of the body; and that as the common council was the body of the city, chosen by all the citizens, so they were all involved in what the common council did: and they inferred, that since they had both scandalized the king's government, and oppressed their fellow subjects, they had thereupon forfeited their liberties: many precedents were brought of the seizing on the liberties of towns and other corporations, and of extinguishing them. The arguments for and against the charter of London.

The arguments against this were made by Treby, then the recorder of London, and Pollexphen, who argued about three hours a piece. They laid it down for a foundation, that trading corporations were immortal bodies for the breeding a succession

[n] See (and it is worth while) the character of Saunders in R. North's Life of the Lord Keeper Guildford, or also that of Sawyer, in the same book, which does Sawyer more justice than this author has done here. He was not so contemptible a man. See his argument upon the *Quo Warranto* against the city of London, (which *all* lawyers deem a great performance.) &c. O.

1682. of trading men, and for perpetuating a fund of public chambers for the estates of orphans and trusts, and for all pious endowments: that crimes committed by persons entrusted in the government of them were personal things, which were only chargeable on those who committed them, but could not affect the whole body: the treason of a bishop, or a clerk, only forfeited his title, but did not dissolve the bishopric, or benefice: so the magistrates only were to be punished for their own crimes: an entailed estate, when a tenant for life was attainted, was not forfeited to the king, but went to the next in remainder upon his death. The government of a city, which was a temporary administration, vested no property in the magistrates: and therefore they had nothing to forfeit, but what belonged to themselves: there were also express acts of parliament made in favour of the city, that it should not be punished for the misdemeanors of those who bore office in it: they answered the great objection that was brought
534 from the forfeitures of some abbeys on the attainder of their abbots in king Henry the eighth's time, that there were peculiar laws made at that time, upon which those forfeitures were grounded, which had been repealed since that time: all those forfeitures were confirmed in parliament: and that purged all defects. The common council was a selected body, chosen for particular ends: and if they went beyond these, they were liable to be punished for it: if the petition they offered the king was seditious, the king might proceed against every man that was concerned in it: and those upon whom those taxes had been levied, might bring their actions against those who had levied them: but it seemed very strange, that when none of the petitioners were pro-

ceeded against for any thing contained in that peti- 1682.
tion, and when no actions were brought on the account of those taxes, that the whole body should suffer in common for that, which none of those who were immediately concerned in it had been so much as brought in question for in any court of law: if the common council petitioned more earnestly than was fitting for the sitting of the parliament, that ought to be ascribed to their zeal for the king's safety, and for the established religion: and it ought not to be strained to any other sense than to that which they profess in the body of their petition, much less to be carried so far as to dissolve the whole body on that account: and as for the tolls and taxes, these were things practised in all the corporations of England, and seemed to be exactly according to law: the city since the fire had, at a vast charge, made their wharfs and markets much more noble and convenient than they were before: and therefore they might well deny the benefit of them to those who would not pay a new rate, that they set on them for the payment of the debt contracted in building them: this was not the imposing a tax, but the raising a rent out of a piece of ground, which the city might as well do, as a man who rebuilds his house may raise the rent of it: all the precedents that were brought were examined and answered: some corporations were deserted, and so upon the matter dissolved themselves; judgments in such cases did not fit this in hand: the seizing on the liberties of a corporation did not dissolve the body; for when a bishop dies, the king seizes the temporalties; but the corporation still subsists; and they are restored to the next incum-

1682. bent. There were indeed some very strange precedents made in Richard the second's time: but they
535 were followed by as strange a reverse: the judges were hanged for the judgments they gave: they also insisted on the effects that would follow on the forfeiting the charter: the custom of London was thereby broken: all the public endowments and charities lodged with the city must revert to the heirs of the donors. This is the substance of the argument, as I had it from Pollexphen. As for the more intricate points of law, I meddle not with them, but leave them to the learned men of that profession. When the matter was brought near judgment, Sanders, who had laid the whole thing, was made chief justice. Pemberton, who was not satisfied in the point, being removed to the common pleas upon North's advancement. Dolben, a judge of the king's bench, was found not to be clear: so he was turned out, and Withins came in his room.

Judgment given in the matter.

When sentence was to be given, Sanders was struck with an apoplexy: [upon which great reflections were made:] so he could not come into court: but he sent his judgment in writing, and died a few days after. The sentence was given without the solemnity that was usual upon great occasions: the judges were wont formerly in delivering their opinions to make long arguments, in which they set forth the grounds of law on which they went, which were great instructions to the students and barristers: but that had been laid aside ever since Hale's time.

The judgment now given was, that a city might forfeit its charter; that the maleversations of the common council were the acts of the whole city,

and that the two points set forth in the pleadings were just grounds for the forfeiting of a charter. Upon which premises the proper conclusion seemed to be, that therefore the city of London had forfeited their charter: but the consequences of that were so much apprehended, that they did not think fit to venture on it: so they judged, that the king might seize the liberties of the city. The attorney general moved, contrary to what is usual in such cases, that the judgment might not be recorded. And upon that, new endeavours were used to bring the common council to deliver up their charter: yet that could not be compassed, though it was brought much nearer in the numbers of the voices than was imagined could ever be done [o]. 1682.

There were other very severe proceedings at this time with relation to particular persons. Pilkinton was sheriff of London the former year; an honest but an indiscreet man, that gave himself great liberties in discourse. He being desired to go along with the mayor and aldermen to compliment the duke upon his return from Scotland, declined going, and reflected on him as one concerned in the burning of the city. Two aldermen said they heard that, and swore it against him. Sir Patience Ward, the mayor of the former year, seeing him go into that discourse, had diverted him from it, but heard not the words which the others swore to: and he deposed, that to the best of his remembrance he said not those words. Pilkinton was cast in an Some other severe judgments. 536

[o] ("After judgment was pronounced, the common council thought fit to agree that an humble petition should be presented to the king. It was conceived in general terms, begging his majesty's pardon and favour to the distressed city." *North's Examen of the Critical Hist.* p. 633.)

1682. 100,000*l.* damages, the most excessive that had ever been given [p]. But the matter did not stop there: Ward was indicted of perjury, it being said, that since he swore that the words were not spoken, and that the jury had given a verdict upon the evidence that they were spoken, by consequence he was guilty of perjury. It was said on the other side, that when two swear one way, and a third swears another way, a jury may believe the two better than the one: but it is not certain from thence that he is perjured: if that were law, no man would be a witness; if, because they of the other side were believed, he should be therefore convicted of perjury. A man's swearing to a negative, that such words were not spoken, did only amount to this, that he did not hear them: and it would be hard to prove that he who swore so had heard them. But Ward proved by him that took the trial in short hand, as he had done some others with great approbation, that he had said, *to the best of his remembrance these words were not spoken by Pilkinton:* upon which Jefferies had said, that his invention was better than his memory: and the attorney general, in summing up the evidence to the jury, had said, they ought to have no regard to Ward's evidence, since he had only deposed upon his memory. Yet that jury returned Ward guilty of perjury: and it was intended, if he had not gone out of the way, to have set him on the pillory. The truth is, juries became at that time the shame of the nation, as well as a reproach to religion [q]: for they were packed, and prepared to bring in verdicts as

[p] ("By the law of England "ratified in the great charter "no fine ought to extend to "the total ruin of a criminal." *Hume's History of England, Charles II.* p. 350.)

[q] So they are now. S.

they were directed, and not as matters appeared on the evidence. 1682.

Thus affairs were going on all the year eighty-two, and to the beginning of eighty-three. The earl of Shaftsbury had been for making use of the heat the city was in during the contest about the sheriffs; and thought they might have created a great disturbance, and made themselves masters of the tower: and he believed, the first appearance of the least disorder would have prevailed on the king to yield every thing. The duke of Monmouth, who understood what a rabble was, and what troops were, looked on this as a mad exposing of themselves and of their friends. The lords Essex and Russel were of the same mind. So lord Shaftsbury, seeing they could not be engaged into action, flew out against them. He said, the duke of Monmouth was sent into the party by the king for this end, to keep all things quiet, till the court had gained its point: he said, lord Essex had also made his bargain, and was to go to Ireland; and that among them lord Russel was deceived. With this he endeavoured to blast them in the city: they studied to prevent the ill effects that those jealousies which he was infusing into the citizens might have among them. So the duke of Monmouth gave an appointment to lord Shaftsbury or some of his friends to meet him, and some others that he should bring along with him, at Shepherd's, a wine merchant in whom they had an entire confidence. The night before this appointment, lord Russel came to town on the account of his uncle's illness. The duke of Monmouth went to him, and told him of the appointment, and desired he would 1683. All people possessed with great fears. 537 Monmouth and Russel at Shepherd's.

1683. go thither with him: he consented, the rather because he intended to taste some of that merchant's wine. At night, they went with lord Grey and sir Thomas Armstrong. When they came, they found none there but Rumsey and Ferguson, two of lord Shaftsbury's tools that he employed: upon which they, seeing no better company, resolved immediately to go back. But lord Russel called for a taste of the wines: and while they were bringing it him up, Rumsey and Armstrong fell into a discourse of surprising the guards. Rumsey fancied it might have been easily done: Armstrong, that had commanded them, shewed him his mistakes. This was no consultation about what was to be done, but only about what might have been done. Lord Russel spoke nothing upon the subject: but as soon as he had tasted his wines they went away. It may seem that this is too light a passage to be told so copiously: but much depends on it. Lord Shaftsbury had one meeting with the earls of Essex and Salisbury before he went out of England. Fear, anger, and disappointment had wrought so much on him, that lord Essex told me he was much broken in his thoughts: his notions were wild and impracticable: and he was glad that he was gone out of England: but said, that he had done them already a great
538 deal of mischief, and would have done more if he had stayed. As soon as he was gone, the lords and all the chief men of the party saw their danger from forward sheriffs, willing juries, mercenary judges, and bold witnesses. So they resolved to go home, and be silent, to speak and to meddle as little as might be in public business, and to let the present ill temper the nation was fallen into wear out: for

they did not doubt but the court, especially as it was now managed by the duke, would soon bring the nation again into its wits by their ill conduct and proceedings. All that was to be done was to keep up as much as they could a good spirit with relation to elections of parliament, if one should be called. 1683.

Monmouth and some others meet often together.

The duke of Monmouth resolved to be advised chiefly by lord Essex. He would not be alone in that, but named lord Russel, against whom no objection could lie: and next to him he named Algernoon Sidney, brother to the earl of Leicester, a man of most extraordinary courage, a steady man, even to obstinacy, sincere, but of a rough and boisterous temper, that could not bear contradiction, [but would give foul language upon it.] He seemed to be a Christian, but in a particular form of his own: he thought it was to be like a divine philosophy in the mind: but he was against all public worship, and every thing that looked like a church. He was stiff to all republican principles, and such an enemy to every thing that looked like monarchy, that he set himself in a high opposition against Cromwell when he was made protector. He had studied the history of government in all its branches beyond any man I ever knew[r]. He was ambassador in Den-

[r] When Sidney's large book upon government came out, in the reign of king William, sir William Temple asked me if I had seen it: I told him I had read it all over; he could not help admiring at my patience, but desired to know what I thought of it: I said it seemed to me wrote with a design to destroy all government: sir William answered, that was for want of knowing the author, for there was one passage in it that explained the whole, which was this: "If there be any "such thing as divine right, it "must be where one man is "better qualified to govern an-"other than he is to govern

1683. mark[s] at the time of the restoration, but did not come back till the year seventy-eight, when the parliament was pressing the king into a war. The court of France obtained leave for him to return. He did all he could to divert people from that war[t]: so that some took him for a pensioner of France: but to those to whom he durst speak freely he said, he knew it was all a juggle; that our court was in an entire confidence with France, and had no other design in this shew of a war but to raise an army, and keep it beyond sea till it was trained and modeled. Sidney had a particular way of insinuating himself into people that would hearken to his notions, and not contradict him. He tried me: but I was not so submissive a hearer: so we lived afterwards at a great distance. He wrought himself into lord Essex's confidence to such a degree, that he became the
539 master of his spirit[u]. He had a great kindness for lord Howard, as was formerly told: for that lord hated both the king and monarchy as much as he himself did. He prevailed on lord Essex to take lord Howard into their secrets, though lord Essex had expressed such an ill opinion of him a little before to me, as to say he wondered how any man

" himself: such a person seems " by God and nature designed " to govern the other, for his " benefit and happiness." Now I that knew him very well, can assure you, that he looked upon himself to be that very " man, " so qualified to govern the rest " of all mankind." D.

[s] For Cromwell. S. (Not Oliver, but Richard Cromwell.)

[t] (This account of his opposing a war with France is confirmed by his letters to Henry Savile, ambassador in that country, first edited in 1742. See particularly p. 150.)

[u] This perhaps may explain what is said of the earl of Essex in lord Gray's paper, hereafter mentioned, page 646. By that paper it looks as if he (lord Essex) was become inclined to republicanism. But lord Russel far otherwise; see page 562. O.

would trust himself alone with him. Lord Russel, 1683.
though his cousin german, had the same ill opinion of him. Yet Sidney overcame both their aversions. Lord Howard had made the duke of Monmouth enter into confidence with Sidney, who used to speak very slightly of him, and to say, it was all one to him whether James duke of York or James duke of Monmouth was to succeed. Yet lord Howard perhaps put a notion into him, which he offered often to me, that a prince who knew there was a flaw in his title would always govern well, and consider himself as at the mercy of the right heir, if he was not in all things in the interests and hearts of his people, which was often neglected by princes that relied on an undoubted title. Lord Howard, by a trick put both on the duke of Monmouth and Sidney, brought them to be acquainted. He told Sidney that the duke of Monmouth was resolved to come some day alone and dine with him: and he made the duke of Monmouth believe that Sidney desired this, that so he might not seem to come and court the duke of Monmouth: and said that some regard was to be had to his temper and age. Hamden was also taken into their secret: he was the grandson of him that had pleaded the cause of England in the point of the ship-money with king Charles the first. His father was a very eminent man, and had been zealous in the exclusion: he was a young man of great parts; one of the learnedest gentlemen I have ever known; for he was a critic both in Latin, Greek, and Hebrew: he was a man of great heat and vivacity, but too unequal in his temper: he had once great principles of religion: but he was

1683. much corrupted by P. Simon's conversation at Paris [x].

They treat with some of the Scotish nation.

With these men the duke of Monmouth met often. His interest in Scotland, both by the dependence that his wife's great estate brought him, but chiefly by the knowledge he had of their affairs while he was among them, and by the confidence he knew they had all in him, made him turn his thoughts much towards that kingdom, as the properest scene of action. He had met often with lord Argile while he was in London, and had many conferences with him of the state of that kingdom, and of what might be done there: and he thought the business of Carolina was a very proper blind to bring up some of the Scotch gentlemen under the appearance of treating about that. They upon this agreed to send one Aaron Smith to Scotland, to desire that some men of absolute confidence might be sent up for that end. So when the proclamation that was formerly mentioned was published, it spread such an universal apprehension through all the suspected counties, that they looked on themselves as marked out to destruction: and it is very natural for people under such impressions to set themselves to look out for remedies as soon as they can.

In the beginning of April some of them came up.

[x] (The truth of this account is confirmed by a passage of some length, in Mr. Hambden's Confession of his offences against Piety and Religion, which had been placed by his direction in the hands, successively, of bishops Patrick and Kidder, and which was printed in the London Chronicle for Feb. 1759. The number of the Chronicle, in which the Confession appears, is preserved in the earl of Onslow's copy of this History.)

The person that was most entirely trusted, and to whom the journey proved fatal, was Baillie, of whose unjust treatment upon Carstairs's information an account was formerly given [y]. He was my cousin german: so I knew him well. He was in the presbyterian principles, but was a man of great piety and virtue, learned in the law, in mathematics, and in languages: I went to him, as soon as I heard he was come, in great simplicity of heart, thinking of nothing but of Carolina. I was only afraid they might go too much into the company of the English, and give true representations of the state of affairs in Scotland: this might be reported about by men that would name them: and that might bring them into trouble. But a few weeks after, I found they came not to me as they were wont to do: and I heard they were often with lord Russel. I was apprehensive of this: and lord Essex being in the country, I went to him, to warn him of the danger I feared lord Russel might be brought into by this conversation with my countrymen. He diverted me from all my apprehensions; and told me, I might depend on it, lord Russel would be in nothing without acquainting him: and he seemed to agree entirely with me, that a rising in the state in which things were then would be fatal. I always said, that when the root of the constitution was struck at to be overturned, then I thought subjects might defend themselves: but I thought jealousies and fears, and particular acts of injustice, could not warrant this. He did agree with me in this: he thought, the obligation between prince and subject 1683.

[y] (See above, page 400.)

1683. was so equally mutual, that upon a breach on the one side, the other was free: but though he thought the late injustice in London, and the end that was driven at by it, did set them at liberty to look to
541 themselves, yet he confessed things were not ripe enough yet, and that an ill laid and ill managed rising would be our ruin. I was then newly come from writing my history of the reformation; and did so evidently see, that the struggle for lady Jean Grey, and Wyat's rising was that which threw the nation so quickly into popery after king Edward's days, (for such as had rendered themselves obnoxious in those matters saw no other way to secure themselves, and found their turning was a sure one,) that I was now very apprehensive of this; besides that I thought it was yet unlawful. What passed between the Scots and the English lords I know not; only that lord Argile, who was then in Holland, asked at first 20,000*l.* for buying a stock of arms and ammunition, which he afterwards brought down to 8000*l.* and a thousand horse to be sent into Scotland: upon which he undertook the conduct of that matter. I know no further than general hints of their matters: for though Hamden offered frequently to give me a particular account of it all, knowing that I was writing the history of that time, yet I told him, that till by an indemnity that whole matter was buried, I would know none of those secrets, which I might be obliged to reveal, or to lie and deny my knowledge of them: so to avoid that, I put it off at that time. And when I returned to England at the revolution, we appointed often to meet, in order to a full relation of it all. But by several accidents it went off, as a thing is

apt to do which one can recover at any time. And so his unhappy end came on before I had it from him[z]. I know this, that no money was raised. But the thing had got some vent; for my own brother, a zealous presbyterian, who was come from Scotland, it not being safe for him to live any longer in that kingdom, knowing that he had conversed with many that had been in the rebellion, told me, there was certainly somewhat in agitation among them, about which some of their teachers had let out somewhat very freely to himself: how far that matter went, and how the scheme was laid, I cannot tell; and so must leave it in the dark. Their contract for the project of Carolina seemed to go on apace: they had sent some thither the former year, who were now come back, and brought them a particular account of every thing: they likewise, to cover their negotiations with lord Argile, sent some over to him; but with the blind of instructions for buying ships in Holland, and other things necessary for their transportation. 1683.

While this matter was thus in a close management among them, there was another company of lord Shaftsbury's creatures that met in the Temple, in the chambers of one West, a witty and active man, full of talk, and believed to be a determined atheist. Rumsey and Ferguson came constantly thither. The former of these was an officer in Cromwell's army, who went into Portugal with the forces that served there under Schomberg. He did a brave action in that service: and Schomberg writ a particular letter to the king setting it out: upon which he got a place: and he had applied himself to 542

Other conspirators meet at the same time on designs of assassinating the king.

[z] (See below, page 647.)

1683. lord Shaftsbury as his patron. He was much trusted by him, and sent often about on messages. Once or twice he came to lord Russel, but it was upon indifferent things. Lord Russel said to me, that at that very time he felt such a secret aversion to him, that he was in no danger of trusting him much. He was one of the bold talkers, and kept chiefly among lord Shaftsbury's creatures. He was upon all the secret of his going beyond sea; which seemed to shew, that he was not then a spy of the court's, which some suspected he was all along. Ferguson was a hot and a bold man, whose spirit was naturally turned to plotting: he was always unquiet, and setting people on to some mischief: I knew a private thing of him, by which it appeared he was a profligate knave, and could cheat those that trusted him entirely: so though he, being a Scotish man, took all the ways he could to be admitted into some acquaintance with me, I would never see him or speak with him: and I did not know his face till the revolution: he was cast out by the presbyterians: and then went among the independents, where his boldness raised him to some figure, though he was at bottom a very empty man: he had the management of a secret press, and of a purse that maintained it: and he gave about most of the pamphlets writ of that side: and with some he passed for the author of them: and such was his vanity, because this made him more considerable, that he was not ill pleased to have that believed; though it only exposed him so much the more. With these, Goodenough, who had been under-sheriff of London in Bethel's year, and one Halloway of Bristol, met often, and had a great deal of ram-

bling discourse, to shew how easy a thing it was of 1683.
the sudden to raise four thousand men in the city.
Goodenough, by reason of his office, knew the city
well, and pretended he knew many men of so much
credit in every corner of it, and on whom they
might depend, as could raise that number, which he 543
reckoned would quickly grow much stronger: and
it is probable, this was the scheme with which lord
Shaftsbury was so possessed, that he thought it
might be depended on. They had many discourses
of the heads of a declaration proper for such a ris-
ing, and disputed of these with much subtilty, as
they thought: and they intended to send Halloway
to Bristol, to try what could be done there at the
same time. But all this was only talk, and went
no further than to a few of their own confidents.
Rumsey, Ferguson, and West were often talking of
the danger of executing this, and that the shorter
and surer way was to kill the two brothers. One
Rumbold, who had served in Cromwell's army, came
twice among them; and while they were in that
wicked discourse, which they expressed by the term
lopping. He upon that told them, he had a farm
near Hodsden, in the way to Newmarket: and there
was a moat cast round his house, through which the
king sometimes passed in his way thither. He said,
once the coach went through quite alone, without
any of the guards about it; and that, if he had laid
any thing cross the way to have stopped the coach
but a minute, he could have shot them both, and
have rode away through grounds that he knew so
well, that it should not have been possible to have
followed him. Upon which they ran into much
wicked talk about the way of executing that. But

1683. nothing was ever fixed on: all was but talk[a]. At one time lord Howard was among them: and they talked over their several schemes of lopping. One of them was to be executed in the playhouse. Lord Howard said, he liked that best, for then they would die in their calling. This was so like his way of talk, that it was easily believed, though he always denied it. Walcot, an Irish gentleman that had been of Cromwell's army, was now in London, and got into that company: and he was made believe, that the thing was so well laid, that many both in city and country were engaged in it. He liked the project of a rising, but declared he would not meddle in their lopping. So this wicked knot of men continued their caballings from the time that the earl of Shaftsbury went away: and these were the subjects of their discourses. The king went constantly to Newmarket for about a month both in April and October. In April while he was there a fire broke out, and burnt a part of the town: upon which the king came back a week sooner than he intended.

A plot is discovered.

544 While all these things were thus going on, there was one Keeling, an anabaptist, in London, who was sinking in his business, and began to think that of a witness would be the better trade. Goodenough had employed him often to try their strength in the city, and to count on whom they could depend for a sudden rising: he had also talked to him of the design of killing the two brothers: so he went and discovered all he could to Leg, at that time made lord Dartmouth. Leg made no great account of it,

[a] All plots begin with talk. S.

but sent him to Jenkins. Jenkins took his depositions, but told him he could not proceed in it without more witnesses: so he went to his brother, who was a man of heat in his way, but of probity, who did not incline to ill designs, and less to discover them. Keeling carried his brother to Goodenough, and assured him he might be depended on. So Goodenough run out into a rambling discourse of what they both could and would do: and he also spoke of killing the king and the duke, which would make their work easy. When they left him, the discoverer pressed his brother to go along with him to Westminster, where he pretended business, but stopped at Whitehall. The other was uneasy, longing to get out of his company, to go to some friends for advice upon what had happened. But he drew him on: and at last, he not knowing whither he was going, he drew him into Jenkins's office: and there told the secretary he had brought another witness, who had heard the substance of the plot from Goodenough's own mouth just then. His brother was deeply struck with this cheat and surprise, but could not avoid the making oath to Jenkins of all he had heard. The secretary, whose phlegmatic head was not turned for such a work, let them both go, and sent out no warrants, till he had communicated the matter to the rest of the ministry, the king being then at Windsor. So Keeling, who had been thus drawn into the snare by his brother, sent advertisements to Goodenough, and all the other persons whom he had named, to go out of the way. 1683.

Rumsey and West were at this time perpetually together: and apprehending that they had trusted themselves to too many persons, who might discover

1683. them, they laid a story, in which they resolved to agree so well together, that they should not contradict one another. They framed their story thus: that they had laid the design of their rising to be executed on the seventeenth of November, the day of queen Elizabeth's coming to the crown, on which the citizens used to run together, and carry about popes in procession, and burn them: so that day seemed proper to cover their running together, till they met in a body. Others, they said, thought it best to do nothing on that day, the rout being usually at night, but to lay their rising for the next Sunday, at the hour of people's being at church. This was laid to shew how near the matter was to the being executed. But the part of their story that was the best laid, (for this looked ridiculous, since they could not name any one person of any condition that was to head this rising,) was, that they pretended that Rumbold had offered them his house in the heath for executing the design. It was called Rye: and from thence this was called the Rye-plot. He asked forty men, well armed and mounted, whom Rumsey and Walcot were to command in two parties: the one was to engage the guards, if they should be near the coach: and the other was to stop the coach, and to murder the king and the duke. Rumsey took the wicked part on himself, saying, that Walcot had made a scruple of killing the king, but none of engaging the guards: so Rumsey was to do the execution. And they said, they were divided in their minds what to do next: some were for defending the moat till night, and then to have gone off: others were for riding through grounds in a shorter way towards the

A forged story laid by Rumsey and West.

545

Thames. Of these forty, they could name but eight. But it was pretended that Walcot, Goodenough, and Rumbold, had undertaken to find both the rest of the men and the horses: for, though upon such an occasion men would have taken care to have had sure and well tried horses, this also was said to be trusted to others. As for arms, West had bought some, as on a commission for a plantation: and these were said to be some of the arms with which they were to be furnished; though when they were seen, they seemed very improper for such a service. I saw all West's narrative, which was put in lord Rochester's hands: and a friend of mine borrowed it of him, and lent it me. They were so wise at court, that they would not suffer it to be printed; for then it would have appeared too gross to be believed. 1683.

But the part of it all that seemed the most amazing was, that it was to have been executed on the day in which the king had intended to return from Newmarket. But the happy fire that sent him away a week sooner, had quite defeated the whole plot, while it was within a week of its execution, and neither horses, men, nor arms yet provided. This 546
seemed to be so eminent a providence, that the whole nation was struck with it: and both preachers and poets had a noble subject to enlarge on, and to shew how much the king and the duke were under the watchful care of Providence.

Within three days after Keeling's discovery the plot broke out, and became the whole discourse of the town. Many examinations were taken, and several persons were clapt up upon it. Among these, Wildman was one, who had been an agitator in

1683. Cromwell's army, and had opposed his protectorship. After the restoration, he being looked on as a high republican was kept long in prison; where he had studied law and physic so much, that he passed as a man very knowing in those matters. He had a way of creating in others a great opinion of his sagacity, and had great credit with the duke of Buckingham, and was now very active under Sidney's conduct. He was seized on, and his house was searched: in his cellars there happened to be two small field-pieces that belonged to the duke of Buckingham, and that lay in York-house when that was sold, and was to be pulled down: Wildman carried those two pieces, which were finely wrought, but of little use, into his cellars, where they were laid on ordinary wooden carriages, and no way fitted for any service: yet these were carried to Whitehall, and exposed to view, as an undeniable proof of a rebellion designed, since here was their cannon.

Several persons came to me from court, assuring me that there was full proof made of a plot. Lord Howard coming soon after them to see me, talked of the whole matter in his spiteful way with so much scorn, that I really thought he knew of nothing, and by consequence I believed there was no truth in all these discoveries. He said, the court knew they were sure of juries, and they would furnish themselves quickly with witnesses: and he spoke of the duke as of one that would be worse, not only than queen Mary, but than Nero: and with eyes and hands lifted to heaven, he vowed to me, that he knew of no plot, and that he believed nothing of it.

Two days after, a proclamation came out for seizing on some who could not be found: and among these, Rumsey and West were named. The next day West delivered himself: and Rumsey came in a day after him. These two brought out their story, which, how incredible soever it was, passed so for certain, that any man that seemed to doubt it was concluded to be in it. That of defending themselves within mud walls and a moat, looked like the invention of a lawyer, who could not lay a military contrivance with any sort of probability. Nor did it appear where the forty horse were to be lodged, and how they were to be brought together. All these were thought objections that could be made by none but those who either were of it, or wished well to it. These new witnesses had also heard of the conferences that the duke of Monmouth and the other lords had with those who were come from Scotland, but knew nothing of it themselves. Rumsey did likewise remember the discourse at Shepherd's. 1683. 547

When the council found the duke of Monmouth and lord Russel were named, they writ to the king to come to London: they would not venture to go further without his presence and leave. A messenger of the council was sent the morning before the king came, to wait at lord Russel's gate, to have stopped him, if he had offered to go out. This was observed; for he walked many hours there: and it was looked on as done on purpose to frighten him away: for his back gate was not watched: so for several hours he might have gone away if he had intended it. He heard that Rumsey had named him: but he knew he had not trusted him, and he Russel and some others were put in prison upon it.

1683. never reflected on the discourse at Shepherd's. He sent his wife among his friends for advice. They were of different minds: but since he said he apprehended nothing from any thing he had said to Rumsey, they thought his going out of the way would give the court too great an advantage, and would look like a confessing of guilt. So this agreeing with his own mind, he stayed at home till the king was come: and then a messenger was sent to carry him before the council. He received it very composedly, and went thither. Rumsey had also said, that at Shepherd's there was some discourse of Trenchard's undertaking to raise a body out of Taunton, and of his failing in it: so lord Russel was examined upon that, the king telling him, that nobody suspected him of any design against his person, but that he had good evidence of his being in designs against his government. Lord Russel protested, he had heard nothing relating to Trenchard: and said to the last, that either it was a fiction of Rumsey's, or it had passed between him and Armstrong, while he was walking about the room, or tasting the wines at Shepherd's; for he had not heard a word of it. Upon all this he was sent a close prisoner to the tower.

548 Sidney was brought next before the council. But his examination lasted not long. He said, he must make the best defence he could, if they had any proof against him: but he would not fortify their evidence by any thing he should say. And indeed that was the wisest course; for the answering questions upon such examinations is a very dangerous thing: every word that is said is laid hold on, that can be turned against a man's self or his friends,

and no regard is had to what he might say in favour of them: and it had been happy for the rest, especially for Baillie, if they had all held to this maxim. There was at that time no sort of evidence against Sidney, so that his commitment was against law. Trenchard was also examined: he denied every thing. But one point of his guilt was well known: he was the first man that had moved the exclusion in the house of commons: so he was reckoned a lost man. 1683.

Baillie and two other gentlemen of Scotland, both Campbells, had changed their lodgings while the town was in this fermentation: and upon that they were seized on as suspected persons, and brought before the king. He himself examined them, and first questioned them about the design against his person, which they very frankly answered, and denied they knew any thing about it. Then he asked them, if they had been in any consultations with lords or others in England, in order to an insurrection in Scotland. Baillie faultered at this, for his conscience restrained him from lying [b]. He said, he did not know the importance of those questions, nor what use might be made of his answers: he desired to see them in writing; and then he would consider how to answer them. Both the king and the duke threatened him upon this: and he seemed to neglect that with so much of the air of a philosopher, that it provoked them out of measure against him. The other two were so lately come from Scotland, that they had seen nobody, and knew nothing. Baillie was loaded by a special direction with very

[b] The author and his cousins could not tell lies, but they could plot. S.

1683. heavy irons: so that for some weeks his life was a burden to him. Cockran, another of those who had been concerned in this treaty, was complained of, as having talked very freely of the duke's government of Scotland. Upon which the Scotish secretary sent a note to him desiring him to come to him; for it was intended only to give him a reprimand, and to have ordered him to go to Scotland. But he knew his own secret: so he left his lodgings, and
549 got beyond sea. This shewed the court had not yet got full evidence: otherwise he would have been taken up, as well as others were.

Monmouth and others escaped.

As soon as the council rose, the king went to the duchess of Monmouth's, and seemed so much concerned for the duke of Monmouth, that he wept as he spoke to her. That duke told a strange passage relating to that visit to the lord Cutts, from whom I had it. The king told his lady, that some were to come and search her lodgings: but he had given order that no search should be made in her apartments: so she might conceal him safely in them. But the duke of Monmouth added, that he knew him too well to trust him: so he went out of his lodgings. And it seems he judged right: for the place that was first searched for him was her rooms: but he was gone[c]: and he gave that for the reason why he could never trust the king after that. It is not likely the king meant to proceed to extremities with him, but that he intended to have him in his own hands, and in his power.

[c] Mr. Francis Gwin (secretary at war in queen Anne's time) told me, that as soon as this book was published, he asked the duchess of Monmouth if she remembered any thing of this story; she answered, it was impossible she should, for there was not one word of it true. D.

An order was sent to bring up the lord Grey, 1683.
which met him coming up. He was brought before the council, where he behaved himself with great presence of mind. He was sent to the tower. But the gates were shut: so he staid in the messenger's hands all night, whom he furnished so liberally with wine, that he was dead drunk. Next morning he went with him to the tower gate, the messenger being again fast asleep [d]. He himself called at the tower gate, to bring the lieutenant of the tower to receive a prisoner. But he began to think he might be in danger: he found Rumsey was one witness: and if another should come in, he was gone: so he called for a pair of oars, and went away, leaving the drunken messenger fast asleep. Warrants were sent for several other persons: some went out of the way, and others were dismissed after some months' imprisonment. The king shewed some appearance of sincerity in examining the witnesses: he told them he would not have a growing evidence: and so he charged them to tell out at once all that they knew: he led them into no accusations by asking them any questions: he only asked them if Oates was in their secret: they answered, that they all looked on him as such a rogue, that they would not trust him. The king also said, he found lord Howard was not among them, and he believed that was upon the same account. There were many more persons named, and more particulars set down in West's narrative, than the court thought fit to 550
make use of: for they had no appearance of truth in them.

Lord Russel, from the time of his imprisonment,

[d] Is this a blunder? S.

1683. looked upon himself as a dead man, and turned his thoughts wholly to another world. He read much in the scriptures, particularly in the psalms, and read Baxter's dying thoughts. He was as serene and calm as if he had been in no danger at all. A committee of council came to examine him upon the design of seizing on the guards, and about his treating with the Scots. He answered them civilly; and said, that he was now preparing for his trial, where he did not doubt but he should answer every thing that could be objected to him. From him they went to Sidney, who treated them more roughly: he said, it seemed they wanted evidence, and therefore they were come to draw it from his own mouth; but they should have nothing from him. Upon this examination of lord Russel, in which his treating with the Scots was so positively charged on him, as a thing of which they were well assured, his lady desired me to see who this could be that had so charged him: but this appeared to be only an artifice, to draw a confession from him. Cochran was gone: and Baillie was a close prisoner, and was very ill used: none were admitted to him. I sent to the keeper of the prison to let him want for nothing, and that I should see him paid. I also at his desire sent him books for his entertainment, for which I was threatened with a prison. I said, I was his nearest kinsman in the place, and this was only to do as I would be done by. From what I found among the Scots I quieted the fears of lord Russel's friends.

Lord Howard was still going about, and protesting to every person he saw that there was no plot, and that he knew of none: yet he seemed to be un-

der a consternation all the while. Lord Russel told me, he was with him when the news was brought that West had delivered himself, upon which he saw him change colour: and he asked him, if he apprehended any thing from him? He confessed, he had been as free with him as with any man. Hamden saw him afterwards under great fears: and upon that he wished him to go out of the way, if he thought there was matter against him, and if he had not a strength of mind to suffer any thing that might happen to him. The king spoke of him with such contempt, that it was not probable that he was all this while in correspondence with the court. 1683.

At last, four days before lord Russel's trial, he was taken in his own house after a long search; and was found standing up within a chimney. As soon as he was taken, he fell a crying: and at his first examination he told, as he said, all that he knew. West and Rumsey had resolved only to charge some of the lower sort; but had not laid every thing so well together, but that they were found contradicting one another. So Rumsey charged West for concealing some things: upon which he was laid in irons, and was threatened with being hanged: for three days he would eat nothing, and seemed resolved to starve himself: but nature overcame his resolutions: and then he told all he knew, and perhaps more than he knew; for I believe it was at this time that he wrote his narrative. And in that he told a new story of lord Howard, which was not very credible, that he thought the best way of killing the king and the duke, was for the duke of Monmouth to fall into Newmarket with a body of three or four hundred horse when they were all 551 Howard's confession.

1683. asleep, and so to take them all: as if it had been an easy matter to get such a body together, and to carry them thither invisibly upon so desperate a service Upon lord Howard's examination, he told a long story of lord Shaftsbury's design of raising the city: he affirmed, that the duke of Monmouth had told him, how Trenchard had undertaken to bring a body of men from Taunton, but had failed in it: he confirmed that of a rising intended in the city on the seventeenth or the nineteenth of November last: but he knew of nobody that was to be at the head of it. So this was looked on as only talk. But that which came more home was, that he owned there was a council of six settled, of which he himself was one; and that they had had several debates among them concerning an insurrection, and where it should begin, whether in the city or in the country; but that they resolved to be first well informed concerning the state Scotland was in; and that Sidney had sent Aaron Smith to Scotland, to bring him a sure information from thence, and that he gave him sixty guineas for his journey: more of that matter he did not know; for he had gone out of town to the Bath, and to his estate in the country. During his absence, the lords began to apprehend their error in trusting him: and upon it lord Essex said to lord Russel, as the last told me in prison, that the putting themselves in the power of such a man would be their reproach as well as their ruin, for trusting
552 a man of so ill a character: so they resolved to talk no more to him: but at his next coming to town they told him, they saw it was necessary at present to give over all consultations, and to be quiet: and after that they saw him very little. Hamden was

upon lord Howard's discovery seized on: he, when examined, desired not to be pressed with questions: so he was sent to the tower. 1683.

A party of horse was sent to bring up lord Essex, who had staid all this while at his house in the country; and seemed so little apprehensive of danger, that his own lady did not imagine he had any concern on his mind. He was offered to be conveyed away very safely: but he would not stir. His tenderness for lord Russel was the cause of this: for he thought his going out of the way might incline the jury to believe the evidence the more for his absconding. He seemed resolved, as soon as he saw how that went, to take care of himself. When the party came to bring him up, he was at first in some disorder, yet he recovered himself. But when he came before the council, he was in much confusion. He was sent to the tower: and there he fell under a great depression of spirit: he could not sleep at all. He had fallen before that twice under great fits of the spleen, which returned now upon him with more violence. He sent by a servant, whom he had long trusted, and who was suffered to come to him, a very melancholy message to his wife; that what he was charged with was true: he was sorry he had ruined her and her children: but he had sent for the earl of Clarendon, to talk freely to him, who had married his sister. She immediately sent back the servant, to beg of him that he would not think of her or her children, but only study to support his own spirits; and desired him to say nothing to lord Clarendon nor to any body else, till she should come to him, which she was in hope to obtain leave to do in a day or two. Lord Clarendon

The earl of Essex was sent to the tower.

1683. came to him upon his message: but he turned the matter so well to him, as if he had been only to explain somewhat that he had mistaken himself in, when he was before the council: but as to that for which he was clapt up, he said there was nothing in it, and it would appear how innocent he was. So lord Clarendon went away in a great measure satisfied, as he himself told me. His lady had another message from him, that he was much calmer; especially when he found how she took his condition to heart, without seeming concerned for her own share in it. He ordered many things to be sent to him:
553 and among other things he called at several times for a penknife, with which he used to pare his nails very nicely: so this was thought intended for an amusement. But it was not brought from his house in the country, though sent for. And when it did not come, he called for a razor, and said that would do as well. The king and the duke came to the tower that morning, as was given out, to see some invention about the ordinance. As they were going into their barge, the cry came after them of what had happened to lord Essex: for his man, thinking he staid longer than ordinary in his closet [e], said, he looked through the key-hole, and there saw him lying dead: upon which the door being broke open, he was found dead; his throat cut, so that both the jugulars and the gullet were cut, a little above the *aspera arteria.* I shall afterwards [f] give an account of the further inquiry into this matter, which passed then universally as done by himself. The coroner's jury found it self-murder. And when his

[e] He was on the close stool. S.

[f] (P. 569.)

body was brought home to his own house, and the wound was examined by his own surgeon, he said to me, it was impossible the wound could be as it was, if given by any hand but his own: for except he had cast his head back, and stretched up his neck all he could, the *aspera arteria* must have been cut. But to go on with this tragical day, in which I lost the two best friends I had in the world: 1683.

The lord Russel's trial was fixed for that day. A jury was returned that consisted of citizens of London who were not freeholders. So the first point argued in law was, whether this could be a legal jury. The statute was express: and the reason was, that none but men of certain estates might try a man upon his life. It was answered, that the practice of the city was to the contrary, upon the very reason of the law: for the richest men of the city were often no freeholders, but merchants, whose wealth lay in their trade and stock. So this was overruled, and the jury was sworn. They were picked out with great care, being men of fair reputation in other respects, but so engaged in the party for the court, that they were easy to believe any thing on that side. Rumsey, Shepherd, and lord Howard were the witnesses, who deposed according to what was formerly related. Shepherd swore lord Russel was twice at his house, though he was never there but once. And when lord Russel sent him word after his sentence, that he forgave him all he had sworn against him, but that he must remember that he was never within his doors but one single time: to which all the answer Shepherd made was, that all the while he was in court during the trial he was under such a confusion, that he scarce knew The lord Russel's trial.

554

1683. what he said. Both Rumsey and he swore, that lord Russel had expressed his consent to the seizing on the guards, though they did not swear any one word that he spoke which imported it: so that here a man was convicted of treason, for being present by accident, or for some innocent purpose, where treasonable matter was discoursed, without bearing a part in that discourse, or giving any assent by words or otherwise to what was so discoursed; which at the most amounts to misprision, or concealment of treason only. As lord Howard began his evidence, the news of the earl of Essex's death came to the court. Upon which lord Howard stopped, and said, he could not go on till he gave vent to his grief in some tears. He soon recovered himself, and told all his story. Lord Russel defended himself by many compurgators, who spoke very fully of his great worth, and that it was not likely he would engage in ill designs. Some others besides my self testified, how solemnly lord Howard had denied his knowledge of any plot upon its first breaking out. Finch, the solicitor general, said, no regard was to be had to that, for all witnesses denied at first. It was answered, if these denials had been only to a magistrate, or at an examination, it might be thought of less moment: but such solemn denials, with asseverations, to friends, and officiously offered, shewed that such a witness was so bad a man, that no credit was due to his testimony. It was also urged, that it was not sworn by any of the witnesses, that lord Russel had spoken any such words, or words to that effect: and without some such indication, it could not be known that he hearkened to the discourse, or consented to it. Lord Russel also asked, upon what

statute he was tried: if upon the old statute of the twenty-fifth of Edward the third, or if upon the statute made declaring what shall be held treason during the king's reign? They could not rely on the last, because of the limitation of time in it: six months, and something more, were passed since the time of these discourses: so they relied on the old statute. Upon which he asked, where was the overt act? For none appeared. It was also said, that by that statute the very imagining the king's death, when proved by an overt act, was treason: but it was only the levying war, and not the imagining to levy war against the king, that was treason by that statute. Cook and Hale were of this opinion, and gave their reasons for it[g]. And it seemed that the parliament that passed the act of treason during the present reign were of that mind; for they enumerated consultations to raise war among those things which were declared to be treason during that reign: this shewed that they did not look on them as comprehended within the old statute. The king's counsel pretended, that consultations to seize on the guards were an overt act of a design against the king's person. But those forces that have got the designation of guards appropriated to them, are not the king's guards in law: they are not so much as allowed of by law: for even the lately dissolved long parliament, that was so careful of the king, and so kind to him, would never take notice of the king's forces, much less call them his guards. The guards were only a company of men in the king's pay: so that a design to seize on them amounted to no

1683. 555

[g] But see Hale as to this, in his Hist. Placit. Coronæ; vol. i. page 119, &c. O.

1683. more, than to a design to seize on a part of the king's army. But the word *guards* sounded so like a security to the king's person, that the design against them was constructed a design against his life: and yet none of the witnesses spoke of any design against the king's person. Lord Howard swore positively, that they had no such design. Yet the one was constructed to be the natural consequence of the other. So that after all the declaiming against a constructive treason in the case of lord Strafford, the court was always running into it, when they had a mind to destroy any that stood in their way. Lord Russel desired that his counsel might be heard to this point of seizing the guards: but that was denied, unless he would confess the fact: and he would not do that, because, as the witnesses had sworn it, it was false. He once intended to have related the whole fact, just as it was: but his counsel advised him against it. Some of his friends were for it, who thought that it could amount to no more than a concealment and misprision of treason. Yet the counsel distinguished between a bare knowledge, and a concealing that, and a joining designedly in council with men that did design treason: for in that case, though a man should differ in opinion from a treasonable proposition, yet his mixing in council with such men will in law make him a traitor. Lord Russel spoke but little: yet in few words he touched on all the material points of law that had been suggested to him. Finch[h] summed up the evidence against him: but in that, and in several other trials afterwards, he shewed more of a vi-

[h] After earl of Aylsford, an arrant rascal. S.

cious eloquence, in turning matters with some subtlety against the prisoners, than of solid or sincere reasoning. Jefferies would shew his zeal, and speak after him: but it was only an insolent declamation, such as all his were, full of fury and indecent invectives. Pemberton was the head of the court, the other bench not being yet filled. He summed up the evidence at first very fairly: but in conclusion he told the jury, that a design to seize the guards was surely a design against the king's life. But though he struck upon this, which was the main point, yet it was thought that his stating the whole matter with so little eagerness against lord Russel, was that which lost him his place: for he was turned out soon after. Lord Russel's behaviour during the trial was decent and composed: so that he seemed very little concerned in the issue of the matter. He was a man of so much candour, that he spoke little as to the fact: for since he was advised not to tell the whole truth, he could not speak against that which he knew to be true, though in some particulars it had been carried beyond the truth. But he was not allowed to make the difference: so he left that wholly to the jury, who brought in their verdict against him, upon which he received sentence. 1683. 556 He was condemned.

He then composed himself to die with great seriousness. He said, he was sure the day of his trial was more uneasy to him, than that of his execution would be. All possible methods were used to have saved his life: money was offered to the lady Portsmouth, and to all that had credit, and that without measure. He was pressed to send petitions and submissions to the king and to the duke: but he left it to his friends to consider how far these might go,

1683. and how they were to be worded. All he was brought to was, to offer to live beyond sea in any place that the king should name, and never to meddle any more in English affairs. But all was in vain: both king and duke were fixed in their resolutions; but with this difference, as lord Rochester afterwards told me, that the duke suffered some, among whom he was one, to argue the point with him[i], but the king could not bear the discourse[k]. Some have said, that the duke moved that he might be executed in Southampton-square before his own house, but that the king rejected that as indecent. So Lincolns-Inn-Fields was the place appointed for his execution. The last week of his life he was shut up all the mornings, as he himself desired. And about noon I came to him, and staid with him till night. All the while he expressed a very Christian temper, without sharpness or resentment, vanity or affectation. His whole behaviour looked like a triumph over
557 death. Upon some occasions, as at table, or when his friends came to see him, he was decently cheerful. I was by him when the sheriffs came to shew him the warrant for his execution. He read it with indifference: and when they were gone, he told me, it was not decent to be merry with such a matter,

[i] But see the appendix to Welwood's Memoirs, p. 322. O.

[k] My father told the king the pardoning of lord Russel would lay an eternal obligation upon a very great and numerous family, and the taking of his life would never be forgiven; and his father being alive, it could have little effect upon the rest of the family, besides resentments, and certainly there was some regard due to lord Southampton's daughter and her children. The king answered, "All that is true; "but it is as true, that if I do "not take his life, he will soon "have mine." Which would admit of no reply. D. (Dalrymple, in the Appendix to his Memoirs of Great Britain and Ireland, vol. ii. p. 59. has produced this passage from lord Dartmouth's notes.)

otherwise he was near telling Rich, (who though he was now of the other side, yet had been a member of the house of commons, and had voted for the exclusion,) that they should never sit together in that house any more to vote for the bill of exclusion. The day before his death he fell a bleeding at the nose: upon that he said to me pleasantly, I shall not now let blood to divert this: that will be done to-morrow. At night it rained hard: and he said, such a rain to-morrow will spoil a great shew, which was a dull thing in a rainy day. He said, the sins of his youth lay heavy upon his mind: but he hoped God had forgiven them, for he was sure he had forsaken them, and for many years he had walked before God with a sincere heart: if in his public actings he had committed errors, they were only the errors of his understanding; for he had no private ends nor ill designs of his own in them: he was still of opinion that the king was limited by law, and that when he broke through those limits his subjects might defend themselves, and restrain him: he thought a violent death was a very desirable way of ending one's life: it was only the being exposed to be a little gazed at, and to suffer the pain of one minute, which, he was confident, was not equal to the pain of drawing a tooth. He said, he felt none of those transports that some good people felt; but he had a full calm in his mind, no palpitation at heart, nor trembling at the thoughts of death. He was much concerned at the cloud that seemed to be now over his country: but he hoped his death should do more service, than his life could have done. 1683.

His preparation for death.

This was the substance of the discourse between him and me. Tillotson was oft with him that last

1683. week. We thought the party had gone too quick in their consultations, and too far; and that resistance in the condition we were then in was not lawful. He said, he had not leisure to enter into discourses of politics; but he thought a government limited by law was only a name, if the subjects might not maintain those limitations by force: otherwise all was at the discretion of the prince: that was contrary to all the notions he had lived in of our government. But he said, there was nothing among them but the embryos of things, that were never like
558 to have any effect, and that were now quite dissolved[1]. He thought, it was necessary for him to leave a paper behind him at his death: and because he had not been accustomed to draw such papers, he desired me to give him a scheme of the heads fit to be spoken to, and of the order in which they should be laid: which I did. And he was three days employed for some time in the morning, to write out his speech. He ordered four copies to be made of it, all which he signed; and gave the original, with three of the copies, to his lady, and kept the other to give to the sheriffs on the scaffold. He writ it with great care: and the passages that were tender he writ in papers apart, and shewed them to his lady, and to myself, before he writ them out fair. He was very easy when this was ended. He also writ a letter to the king, in which he asked pardon for

[1] (Lord Russell had contributed towards the growth of these embryos, if the following account is to be believed. "Sir "Thomas Armstrong has also "acquainted me, when we were "beyond sea, that Mr. Shep- "pard had received some thou- "sand pounds from my lord "Russel to transmit to my "lord Argyll, just before the "discovery of the plot." *Lord Grey's Confession*, p. 66.)

every thing he had said or done contrary to his duty, protesting he was innocent as to all designs against his person or government, and that his heart was ever devoted to that which he thought was his true interest. He added, that though he thought he had met with hard measure, yet he forgave all concerned in it from the highest to the lowest; and ended, hoping that his majesty's displeasure at him would cease with his own life, and that no part of it should fall on his wife and children. The day before his death he received the sacrament from Tillotson with much devotion. And I preached two short sermons to him, which he heard with great affection. And we were shut up till towards the evening. Then he suffered his children, that were very young, and some few of his friends, to take leave of him; in which he maintained his constancy of temper, though he was a very fond father. He also parted with his lady with a composed silence: and, as soon as she was gone, he said to me, The bitterness of death is passed: for he loved and esteemed her beyond expression, as she well deserved it in all respects. She had the command of herself so much, that at parting she gave him no disturbance. He went into his chamber about midnight: and I staid all night in the outward room. He went not to bed till about two in the morning: and was fast asleep at four, when, according to his order, we called him. He was quickly dressed, but would lose no time in shaving: for he said, he was not concerned in his good looks that day. 1683.

The trial and execution of Walcot and others.

He was not ill pleased with the account he heard that morning of the manner of Walcot's death, who, together with one Hone and Rowse, had suffered the day before. These were condemned upon the 559

1683. evidence of the witnesses. Rumsey and West swore fully against Walcot: he had also writ a letter to the secretary, offering to make discoveries, in which, he said, the plot was laid deep and wide. Walcot denied at his death the whole business of the Rye-plot, and of his undertaking to fight the guards while others should kill the king. He said, West had often spoken of it to him in the phrase of *lopping;* and that he always said he would not meddle in it, and that he looked on it as an infamous thing, and as that which the duke of Monmouth would certainly revenge, though West assured him that duke had engaged under his hand to consent to it. This confession of Walcot's, as it shewed himself very guilty, so it made West appear so black, that the court made no more use of him. Hone, a poor tradesman in London, who it seems had some heat, but scarce any sense in him, was drawn in by Keeling, and Lee, another witness, who was also brought in by Keeling to a very wild thing, of killing the king, but sparing the duke, upon this conceit, that we would be in less danger in being under a professed papist than under the king. Hone had promised to serve in the execution of it, but neither knew when, where, nor how it was to be done: so, though he seemed fitter for a bedlam than a trial, yet he was tried the day before the lord Russel, and suffered with the others the day before him. He confessed his own guilt; but said, these who witnessed against him had engaged him in that design, for which they now charged him: but he knew nothing of any other persons, besides himself and the two witnesses. The third was one Rowse, who had belonged to Player, the chamberlain of London;

against whom Lee and Keeling swore the same things. He was more affected with a sense of the heat and fury with which he had been acted, than the others were: but he denied, that he was ever in any design against the king's life. He said, the witnesses had let fall many wicked things of that matter in discourse with him: so that he was resolved to discover them, and was only waiting till he could find out the bottom of their designs: but that now they had prevented him. He vindicated all his acquaintance from being any way concerned in the matter, or from approving such designs. These men dying as they did, was such a disgrace to the witnesses, that the court saw it was not fit to make any further use of them. Great use was made of the conjunction of these two plots, one for a rising, and another for an assassination. It was said, that 560 the one was that which gave the heart and hope to the other black conspiracy: by which they were over all England blended together as a plot within a plot, which cast a great load on the whole party. 1683.

Russel's execution.

Lord Russel seemed to have some satisfaction to find that there was no truth in the whole contrivance of the Rye-plot: so that he hoped that infamy, which now blasted their party, would soon go off. He went into his chamber six or seven times in the morning, and prayed by himself, and then came out to Tillotson and me: he drunk a little tea and some sherry. He wound up his watch; and said, now he had done with time, and was going to eternity. He asked what he should give the executioner: I told him ten guineas: he said, with a smile, it was a pretty thing to give a fee to have his head cut off. When the sheriffs called him about ten o'clock, lord

1683. Cavendish was waiting below to take leave of him. They embraced very tenderly. Lord Russel, after he had left him, upon a sudden thought came back to him, and pressed him earnestly to apply himself more to religion; and told him what great comfort and support he felt from it now in his extremity. Lord Cavendish had very generously offered to manage his escape, and to stay in prison for him while he should go away in his clothes: but he would not hearken to the motion. The duke of Monmouth had also sent me word, to let him know, that, if he thought it could do him any service, he would come in, and run fortunes with him. He answered, it would be of no advantage to him to have his friends die with him. Tillotson and I went in the coach with him to the place of execution. Some of the crowd that filled the streets wept, while others insulted: he was touched with the tenderness that the one gave him, but did not seem at all provoked by the other. He was singing psalms a great part of the way: and said, he hoped to sing better very soon. As he observed the great crowds of people all the way, he said to us, I hope I shall quickly see a much better assembly. When he came to the scaffold, he walked about it four or five times. Then he turned to the sheriffs, and delivered his paper. He protested, he had always been far from any designs against the king's life or government: he prayed God would preserve both, and the protestant religion. He wished all protestants might love one another, and not make way for popery by their animosities.

561 The substance of the paper he gave them was, first a profession of his religion, and of his sincerity

Russel's last speech.

in it: that he was of the church of England: but wished all would unite together against the common enemy: that churchmen would be less severe, and dissenters less scrupulous. He owned, he had a great zeal against popery, which he looked on as an idolatrous and bloody religion: but that, though he was at all times ready to venture his life for his religion or his country, yet that would never have carried him to a black or wicked design. No man ever had the impudence to move to him any thing with relation to the king's life: he prayed heartily for him, that in his person and government he might be happy, both in this world and in the next. He protested, that in the prosecution of the popish plot he had gone on in the sincerity of his heart; and that he never knew of any practice with the witnesses. He owned, he had been earnest in the matter of the exclusion, as the best way, in his opinion, to secure both the king's life and the protestant religion: and to that he imputed his present sufferings: but he forgave all concerned in them; and charged his friends to think of no revenges. He thought his sentence was hard: upon which he gave an account of all that had passed at Shepherd's. From the heats that were in choosing the sheriffs, he concluded that matter would end as it now did: and he was not much surprised to find it fall upon himself: he wished it might end in him: killing by forms of law was the worst sort of murder. He concluded with some very devout ejaculations. After he had delivered this paper, he prayed by himself: then Tillotson prayed with him. After that he prayed again by himself: and then undressed himself, and laid his head on the block, without the 1683.

1683. least change of countenance: and it was cut off at two strokes.

This was the end of that great and good man: on which I have perhaps enlarged too copiously: but the great esteem I had for him, and the share I had in this matter, will, I hope, excuse it. His speech was so soon printed, that it was selling about the streets an hour after his death: upon which the court was highly inflamed. So Tillotson and I were appointed to appear before the cabinet council. Tillotson had little to say, but only that lord Russel had shewed him his speech the day before he suffered; and that he spoke to him, what he thought was incumbent on him, upon some parts of it, but he was not disposed to alter it [m]. I was
562 longer before them. I saw they apprehended I had penned the speech. I told the king, that at his lady's desire I writ down a very particular journal of every passage, great and small, that had happened during my attendance on him: I had just ended it, as I received my summons to attend his majesty: so, if he commanded me, I would read it to him: which upon his command I did. I saw they were all astonished at the many extraordinary things in it: the most important of them are set down in the former relation. The lord keeper asked me, if I intended to print that. I said it was only in-

[m] ("Dr. Tillotson himself, "though he had wrote that let- "ter to the lord Russel" (in favour of passive obedience) "yet would not generally af- "firm, although asked before "the king in person," (by the duke of York,) "that no case "was to be excepted. And his "majesty was so far from be- "ing offended at his caution, "that he declared to his bro- "ther, that the dean spoke like "an honest man; and would "not have him pressed any "further." *Echard's Hist. of the Revolution*, p. 23.)

tended for his lady's private use. The lord keeper, seeing the king silent, added, You are not to think the king is pleased with this, because he says nothing. This was very mean. He then asked me, if I had not studied to dissuade the lord Russel from putting many things in his speech. I said, I had discharged my conscience to him very freely in every particular: but he was now gone: so it was impossible to know, if I should tell any thing of what had passed between us, whether it was true or false: I desired therefore to be excused. The duke asked me, if he had said any thing to me in confession. I answered, that if he had said any thing to me in confidence, that was enough to restrain me from speaking of it. Only I offered to take my oath, that the speech was penned [n] by him- 1683.

[n] Jesuitical. S. Quære, what that word means? See antea, 558. The paper does not seem clear and ingenuous enough for the character of such a man as my lord Russel, and at such a time with him. He was certainly a very honest man, and truly meant the good of his country in all this transaction, and *that* only. But he was legally convicted, as to the crime, in law, and the evidence of it. It would have been the same with those who engaged in the revolution, if they had not succeeded: and that is his best defence. See lord Grey's paper (lately, 1757, published in print,) relating to this plot, where lord Russel *seems* to have been very early and deep in it, as to an insurrection. But be all this as it may, what have bad princes, with their instruments, to answer for hereafter, who, by iniquitous acts of pretended government, force unhappy subjects to resist them, for the sake of necessary defence, and who, if they happen to fail, are treated as criminals, and put often to cruel deaths by those very tyrants that provoked them, acting against them (and making it a justification) under the letter and colour of laws, instituted only and avowedly for the protection and security of good government. Is not this murder in the sight of an all-judging God? Would not such princes be far safer in this world, and happier in that to come, if, in such cases, they pardoned their miserable subjects, and amended their own future administration of power?

1683. self, and not by me. The duke, upon all that passed in this examination, expressed himself so highly offended at me, that it was concluded I would be ruined. Lord Halifax sent me word, that the duke looked on my reading the journal as a studied thing, to make a panegyric on lord Russel's memory. Many pamphlets were writ on that occasion: and I was heavily charged in them all, as the adviser, if not the author, of the speech. But I was advised by all my friends to write no answer, but to bear the malice that was vented upon me with silence; which I resolved to do.

Prince George of Denmark married the princess Anne.

At this time prince George of Denmark came into England to marry the duke's second daughter. The prince of Hanover[o] had come over two years before to make addresses to her: but he was scarce got hither, when he received orders from his father not to proceed in that design; for he had agreed a match for him with his brother the duke of Zell for his daughter, which [however it] did at that time

I have often thought it a great unhappiness to my lord Russel, and it must have been matter of much uneasiness to a man of his principles and virtues, (public and private,) to have been connected in any undertaking with the men of the characters he united himself with, on this occasion. Monmouth, Shaftsbury, Howard, Gray, Armstrong, &c. Essex, Sidney, and Hampden, were better men in themselves than the others; but the two first were republicans, (the earl of Essex inclined to be so, as lord Gray's paper says. See antea, 538. not very strange with regard to him,) and Hampden (antea, 539.) *then* an infidel, or pretending to be so. *Scarcely* any one of them all could give any credit to the cause. O. (Lady Russell, in her letter to the king, professing her own belief, that the paper her lord delivered to the sheriffs was his, and not doctor Burnet's, intimates, that an argument for its having been composed by the latter was drawn from the use of some phrases familiar to him. See this letter in Lord John Russell's Life of Lord Russell, p. 238.)

[o] Afterwards our king. O.

accommodate the family, [it proved very unhappy afterwards to the prince himself.] The marriage that was now made with the brother of Denmark did not at all please the nation: for we knew that the proposition came from France. So it was apprehended, that both courts reckoned they were sure that he would change his religion: in which we have seen, since that time, that our fears were ill grounded. He has lived in all respects the happiest with his princess that was possible, except in one particular: for though there was a child born every year for many years, yet they have all died: so that the fruitfullest marriage that has been known in our age, has been fatally blasted as to the effect of it. 1683. 563

The siege of Vienna.

The affairs abroad were now every where in a great fermentation. The emperor had governed Hungary so strangely, as at once to persecute the protestants, and to oppress the papists in their liberties, which disposed both to rebel: upon which the malecontents were now in arms, and had possessed themselves of several places in the Upper Hungary; which being near Poland, they were managed and assisted by the French ministers in that kingdom; in which the cardinal of Fourbin was the chief instrument. But they not being able to maintain themselves against the emperor's whole force, Tekeli, who was set at their head, offered all submissions to the Turk, and begged his protection. Upon this that great war broke out, all set on by the practices of the king of France; who, while he was persecuting the protestants in his own kingdom, was at the same time encouraging the rebellion of Hungary, and drawing the Turk into Chris-

1683. tendom. I need not enlarge further on a matter so well known as the siege of Vienna: which, if it had been as well prosecuted as it was first undertaken, the town would have been certainly taken, and with that the emperor and his family ruined. The king of France drew a great army together near the frontier of Germany, and seemed to depend upon it that the town would be taken; and that he would be called in by the princes of Germany to protect them, and upon that have been chosen emperor. He at the same time sent Humieres with an army into Flanders, upon a pretension to Alost, that would have seemed very strange in any other court but that. He had once possessed himself, during the war, of Alost: but afterwards he drew his troops out of it. So it not being in his hands when the peace of Nimeguen was made, no mention was made of restoring it. But now it was said, that, it being once in the king's hands by the right of his arms, it was still his, since he had not expressly renounced it: therefore he now demanded it, or to
564 have Luxembourg given him as an equivalent for it. Humieres finding no resistance in the Spanish Netherlands, destroyed and ruined the country, beyond any thing it had felt during the whole war. This was the state of affairs abroad at the time of these trials.

All people thought we should see a parliament presently called, from which both the king and the duke might have expected every thing that they could desire: for the body of the nation was yet so possessed with the belief of the plot, that probably all elections would have gone as the court directed, and scarce any of the other party would have had the courage

to have stood for an election any where. But the king of France began to apprehend, that the king might grow so much the master at home, that he would be no longer in their management: and they foresaw that, what success soever the king might have in a parliament with relation to his own affairs, it was not to be imagined but that a house of commons, at the same time that they shewed their submission to the king, would both enable him to resist the progress of the French arms, and address to him to enter into alliances with the Spaniards and the States. So the French made use of all their instruments to divert our court from calling a parliament: and they got the king to consent to their possessing themselves of Luxembourg: for which, I was told, they gave him 300,000*l.* but I have no certainty of that. Lord Mountague told me of it, and seemed to believe it: and lady Portsmouth valued herself on this of Luxembourg as gained by her; and called it the last service she did the court of France[p]. 1683.

[p] ("After much haggling "Charles agreed to allow the "French to seize Luxembourg, "and received a million of livres "in return, (less than eighty "thousand pounds.) Barillon "writes thus to Louis XIV. on "the 1st of December, 1681. "Après plusieurs, &c." *Sir John Dalrymple's Memoirs of Great Britain and Ireland, Appendix*, p. 31. Again, at pp. 32, 33. he says, that "the French "chose rather to deal with King "Charles than with Mr. Moun-"tague" (the same whom Burnet mentions here, and before in p. 440, and elsewhere, and who was afterwards duke of Montague) "about Luxem-"bourg: Mountague having "(according to Barillon) pro-"posed to embroil the king with "his parliament, and reduce "him to the necessity of dis-"solving it, which would ren-"der all his opposition to "France ineffectual through "want of being supported." In the Life, lately published from the Stuart papers, of James II. mention is made without any reserve of a treaty conducted by him in behalf of his brother Charles with the French court, for the purpose of procuring money two years before this." See vol. i. p. 664.)

1683. At this time I went over into France, chiefly to be out of the way, when I was fallen on almost in every libel: for new sets of addresses were now running about the nation, with more heat and swelled eloquence in them than the former ones. In all which the providential fire of Newmarket was set off with great pomp: and in many of them there were hard things said of lord Russel and his speech, with insinuations that looked towards me.

The author went to the court of France.

Characters of some he knew there.

In France, Rouvigny, who was the lady Russel's uncle, studied to get me to be much visited and known. There my acquaintance with Marshal Schomberg began: and by him I was acquainted with Marshal Bellfonds, who was a devout man, but very weak. He read the Scriptures much, and seemed to practise the virtues of the desert in the midst of that court. I knew the archbishop of Rheims, who was a rough, boisterous man: he
565 seemed to have good notions of the episcopal duty in all things, except that of the setting a good example to his clergy: for he allowed himself in liberties of all kinds. The duke of Montausier was a pattern of virtue and sincerity, if not too cynical in it. He was so far from flattering the king, as all the rest did most abjectly, that he could not hold from contradicting him, as often as there was occasion for it. And for that reason chiefly the king made him the dauphin's governor: to which, he told me, he had applied himself with great care, though he very frankly added, without success. The exterior of the king was very solemn: the first time I happened to see him was when the news came of the raising the siege of Vienna; with which, Schomberg told me, he was much struck, for he did not look for it.

While I was at court, which was only for four or five days, one of the king's coaches was sent to wait on me, and the king ordered me to be well treated by all about him, which upon that was done with a great profusion of extraordinary respects: at which all people stood amazed. Some thought, it was to encourage the side against the court by this treatment of one then in disgrace. Others more probably thought, that the king, hearing I was a writer of history, had a mind to engage me to write on his side. I was told a pension would be offered me. But I made no steps towards it: for though I was offered an audience of the king, I excused it, since I could not have the honour to be presented to that king by the minister of England[r]. I saw the prince 1683.

[r] The bishop seems to avoid giving the true cause of his good reception in the court of France, though it was known then, and may be still by any body that reads a book he published in the year 1682, entitled, The History of the Rights of Princes, in the preface to which, he bestows the most extravagant commendations upon the king of France, which were always acceptable to him from any hand; and the book itself was of great use to them in their dispute with Innocent the XIth, concerning the regalia. D. (Other reasons for Burnet's good reception at the French court are suggested in a letter of lord Preston, the English ambassador there, to the marquis of Halifax, published by Dalrymple in the Appendix to his Memoirs, p. 80. "I have, since "I had this account, considered "why Mr. Montague should "have been treated worse than "Dr. Burnet, and I can only "think of these reasons for it. "First, he cannot be so useful "at this time, as the doctor, "who, if he be gone into Eng- "land, may continue his former "practices with the discontent- "ed party. In the next place, "if Mr. Montague had had a "reception, it could not have "been excused so to the king, "our master, as that of Dr. "Burnet was by his most "Christian majesty, pretending "not to know his character and "circumstances. Or perhaps, "another reason might be, the "present scarcity of money "here, where they are begun "to retrench in all sorts of ex- "pences." (Montague, it is before stated, had applied to the king of France for some money as a gratification.) "It

1683. of Condé but once, though he intended to see me oftener. He had a great quickness of apprehension, and was thought the best judge in France both of wit and learning. He had read my history of the reformation, that was then translated into French, and seemed pleased with it. So were many of the great lawyers; in particular Harlay, then attorney general, and now first president of the court of parliament of Paris. The contests with Rome were then very high; for the assembly of the clergy had passed some articles very derogatory to the papal authority: so many fancied, that matter might go to a rupture: and Harlay said very publicly, that, if that should happen, I had laid before them a good plan to copy from.

Bellefonds had so good an opinion of me, that he thought instances of devotion might have some effect on me: so he made the duchess La Valiere think, that she might be an instrument in convert-
566 ing me: and he brought a message from her, desiring me to come to the grate to her. I was twice there: and she told me the steps of her conversion, and of her coming into that strict order of the Carmelites, with great humility and much devotion. Treville, one of the duchess of Orleans's admirers, was so struck with her death, that he had lived in retreat from that time, and was but newly come to appear again[s]. He had great knowledge, with a true sense of religion: he seemed to groan under many of the

" is a question now often asked " at this court in confidence, " whether there has been really " any such thing as a late con- " spiracy in England? which I " take to be one effect of the " doctor's late conversation " here.")

[s] (See before, p. 301—303.)

corruptions of their church. He and some others whom I knew of the Sorbon, chiefly Faur, Pique, and Brayer, seemed to think that almost every thing among them was out of order; and wished for a regular reformation: but their notion of the unity of the church kept them still in a communion that they seemed uneasy in: and they said very freely, they wondered how any one that was once out of their communion should desire to come back into it. They were generally learned only in one point: Faur was the best read in ecclesiastical history of any man I saw among them: and I never knew any of that church that understood the scriptures so well as Pique did. They declared themselves for abolishing the papal authority, and for reducing the pope to the old primacy again. They spoke to me of the bishops of France, as men that were both vicious and ignorant: they seemed now to be against the pope: but it was only because he was in the interests of the house of Austria: for they would declare him infallible the next day after he should turn to the interest of France: so they expected no good, neither from the court nor from the clergy. I saw St. Amour, the author of the journal of what passed at Rome in the condemnation of the five propositions of Jansenius. He seemed to be a sincere and worthy man, who had more judgment than either quickness or learning. He told me, his whole life had been one campaign against the Jesuits; and spoke of them as the great plague of the church. He lamented also that sharpness of style with which his friend Arnauld treated the protestants; for which, he said, both he and all his friends blamed him. I was car- 1683.

1683. ried by a bishop to the Jesuits at St. Anthoine's. There I saw P. Bourdalou, esteemed one of the greatest preachers of the age, and one of the honours of his order. He was a man of a sweet temper, not at all violent against protestants: on the contrary he believed good men among them might be saved, which was a pitch in charity that I had never observed in any of the learned of that communion. I was also
567 once with P. de la Chaise, the king's confessor, who was a dry man. He told me, how great a man they would make me, if I would come over to them.

This was my acquaintance on the popish side. I say little of the protestants. They came all to me: so I was well known among them. The method that carried over the men of the finest parts among them to popery was this: they brought themselves to doubt of the whole Christian religion: when that was once done, it seemed a more indifferent thing of what side or form they continued to be outwardly. The base practices of buying many over with pensions, and of driving others over with perpetual ill usage, and the acts of the highest injustice and violence, and the vile artifices in bringing on and carrying so many processes against most of their churches, as not comprehended within the edict of Nantes, were a reproach both to the greatness of their king and to the justice of their courts. Many new edicts were coming out every day against them, which contradicted the edict of Nantes in the most express words possible: and yet to all these a strange clause was added, That the king did not intend by them to recall, nor to go against any article of the edict of Nantes, which he would maintain inviolable. I

knew Spanheim particularly[s], who was envoy from the elector of Brandenbourg, who is the greatest critic of the age in all ancient learning, and is with that a very able man in all affairs, and a frank cheerful man: qualities that do not always meet in very learned men. After a few months' stay I returned, and found both the king and duke were highly offended with the reception I had met with in France. They did not know what to make of it, and fancied there was something hid under it. 1683.

The addresses had now gone round England. The grand juries made after that high presentments against all that were esteemed whigs and nonconformists. Great pains were taken to find out more witnesses. Pardons and rewards were offered very freely. But none came in: which made it evident, that nothing was so well laid, or brought so near execution, as the witnesses had deposed; otherwise people would have been crowding in for pardons. All people were apprehensive of very black designs, when they saw Jefferies made lord chief justice, who was scandalously vicious, and was drunk every day; besides a drunkenness of fury in his temper, that looked like enthusiasm. He did not consider the decencies of his post: nor did he so much as affect to seem impartial, as became a judge; but run out upon all occasions into declamations that did not become the bar, much less the bench. He was not learned in his profession[t]: and his eloquence, though Affairs in England. Jefferies and other judges preferred. 568

[s] *Who was—who is*, pure nonsense. S.

[t] I have heard sir J. Jekyl (master of the rolls) say otherwise. He had likewise great parts, and made a great chancellor in the business of that court. In mere private matters, he was thought an able and upright judge wherever he sat.

1683. viciously copious, yet was neither correct nor agreeable [u]. Pemberton was turned out of the common pleas, and Jones was put in his place: and Jefferies had three judges joined with him in the king's bench, fit to sit by him.

The king sent a new message to the city of London, requiring the common council to deliver up their charter, threatening them, that otherwise he would order the judgment to be entered. Upon this a great debate arose among them. Some were for their compliance, that they might prevent the prejudice that would otherwise arise. On the other hand it was said, that all freemen took an oath to maintain the rights of their corporation; so that it was perjury in them to betray these. They said, it was better to leave the matter to the king, than by any act of their own to deliver all up. So it was carried not to do it by a few voices. Upon that the judgment was entered: and the king seized on their liberties [x]. Many of the aldermen and other officers were turned out: and others were put in their places. So they continued for some time a city without a charter or a common council: and the king named the magistrates. New charters were sent to most of the corporations, in which the king reserved a power to himself to turn out magistrates at his pleasure. This was done to make all sure for a new election of parliament, which came now under consideration.

1684. The calling a parliament proposed, but rejected.

There was a clause in the act that repealed the

But when the crown or his party were concerned, he was, as he is here represented; generally at least. O.

[u] Like Burnet's eloquence. S.

[x] (See before p. 535.)

triennial bill, which had passed in the beginning of the troubles, which enacted that a parliament should meet every third year: but it had none of those enforcing clauses, in case it did not meet, that were in the other act; and the third year from the parliament of Oxford was now near an end. So, since the king had declared he would govern according to law, and in particular that he would have frequent parliaments, for which he had special thanks given him in many of the addresses, it was proposed that a parliament should be called. A war seemed like to break out in Flanders; where the Spaniards, how ill soever they were prepared for it, had declared war, upon the French troops possessing themselves of Dixmuyd and Courtray. The prince of Orange was pressing the states to go into a new war, rather than let Luxembourg be taken. But this was much opposed by the town of Amsterdam. The calling a new parliament here, and England's engaging, as all believed they might do, would be an effectual restraint on the French. But the king had consented to let Luxembourg fall into their hands: so it was apprehended that the parliament might fall upon that, which was the only point that could occasion any difference between the king and them. It was also said, that it was fit all the charters should be first brought in, and all the corporations new modeled, before the parliament should be called. The prerogative lawyers pretended, that the prerogative was indeed limited by negative and prohibiting words, but not by affirmative words[y]. Lord Halifax told me, he pressed this all he could; but there was a French interest working strongly against it: so 1684. 569

[y] A dangerous and scandalous doctrine. O.

1684. the thoughts of a parliament at that time were laid aside. The Scotish prisoners were ordered to be sent down to be tried in Scotland. This was sad news to them: for the boots there are a severe torture. Baillie had reason to expect the worst usage: he was carried to Newgate in the morning that lord Russel was tried, to see if he could be persuaded to be a witness against him. Every thing that could work on him was made use of, but all in vain: so they were resolved to use him severely.

Suspicions of Essex's being murdered.

I passed slightly over the suspicions that were raised upon lord Essex's death, when I mentioned that matter [z]. This winter the business was brought to a trial: a boy and a girl did report, that they heard great crying in his lodgings, and that they saw a bloody razor flung out at window, which was taken up by a woman that came out of the house where he was lodged. These children reported this confidently that very day, when they went to their several homes: they were both about ten or twelve years old. The boy went backward and forward in his story, sometimes affirming it, and at other times denying it: but his father had an office in the custom house: so it was thought he prevailed with him to deny it in open court. But the girl stood firmly to her story. The simplicity of the children, together with the ill opinion that was generally had of the court, inclined many to believe this. As soon as his lady heard of it, she ordered a strict inquiry to be made about it; and sent what she found to me, to whom she had trusted all the messages that had passed between her lord and her while he was

[z] (Above, p. 553.)

in the tower. When I perused all, I thought there 1684.
was not a colour to found any prosecution on; which
she would have done with all possible zeal, if she
had found any appearances of truth in the matter. 570
Lord Essex had got into an odd set of some strange
principles: and in particular he thought a man was
the master of his own life: and seemed to approve
of what his wife's great grandfather, the earl of
Northumberland, did, who shot himself in the tower
after he was arraigned. He had also very black fits
of the spleen, [which was spread among many of his
family to a very high degree.] But at that time
one Braddon, whom I had known for some years
for an honest but enthusiastical man, hearing of
these stories, resolved to carry the matter as far as
it would go: and he had picked up a great variety
of little circumstances, all which laid together seemed
to him so convincing, that he thought he was bound
to prosecute the matter. I desired him to come no
more near me, since he was so positive. He talked
of the matter so publicly, that he was taken up for
spreading false news to alienate people's hearts from
the king. He was tried upon it. Both the child-
ren owned, that they had reported the matter as he
had talked it; the boy saying then, that it was a lie.
Braddon had desired the boy to set it all under his
hand, though with that he charged him to write no-
thing but the truth. This was called a suborning:
and he was fined for it in 2000*l.* But I go next to a
trial of more importance [a].

[a] (This Braddon, who was excepted from a general pardon granted by James II. in 1687, prosecuted, after the revolution, an inquiry into the earl of Essex's death before the lords, who came to no resolution on the subject. In the year sub-

1684. the divine right of monarchy, upon the eldest son's succeeding to the authority of the father. It was a book of some name, but so poorly writ, that it was somewhat strange that Sidney bestowed so much pains in answering it. In this answer he had asserted, that princes had their power from the people with restrictions and limitations; and that they were liable to the justice of the people, if they abused their power to the prejudice of the subjects, and against established laws. This, by an inuendo, was said to be an evidence to prove that he was in a plot against the king's life. And it was insisted on, that this ought to stand as a second witness. The earls of Clare, Anglesey, and some others, with my self, deposed what lord Howard had said, denying there was any plot. Blake, a draper, deposed, that having asked him when he was to have his pardon, he answered, not till the drudgery of swearing was over. Howard had also gone to Sidney's house, and had assured his servants that there was nothing against him, and had desired them to bring his goods to his own house. Sidney shewed how improbable it was that Howard, who could not raise five men, and had not five shillings to pay them, should be taken into such consultations. As for the book, it was not proved to be writ by him; for it was a judged case in capital matters, that a simi-
572 litude of hands was not a legal proof[b], though it was in civil matters: that whatever was in those papers,

[b] Quære, whether that was a mistake, and so now allowed? But the hardship upon Sidney was, that the book itself, though written by him, as it was not published, nor any proof made of his design to publish it, could not be an overt act of treason. O.

they were his own private thoughts, and speculations of government, never communicated to any: it was also evident, that the book had been writ some years ago: so that could not be pretended to be a proof of a late plot: the book was not finished: so it could not be known how it would end: a man writing against atheism, who sets out the strength of it, if he does not finish his answer, could not be concluded an atheist, because there was such a chapter in his book. Jefferies interrupted him often very rudely, probably to put him in a passion, to which he was subject: but he maintained his temper to admiration. Finch aggravated the matter of the book, as a proof of his intentions, pretending it was an overt act; for he said, *scribere est agere* [c]. Jefferies delivered it as law, and said, that all the judges were of the same mind, that if there were two witnesses, the one to the treason, the other only to a circumstance, such as the buying a knife, these made the two witnesses, which the statute required in cases of treason. In conclusion, Sidney was cast. And some days after he was brought to court to receive sentence. He then went over his objections to the evidence against him, in which judge Withins interrupted him, and by a strange indecency gave him the lie in open court. But he bore it patiently. He sent to lord Halifax, who was his nephew by marriage, a paper to be laid before the king, con- 1684.

[c] These words, although it was his argument, were not used by Finch, but Jefferies. They were generally given to the first, and by way of reproach, made an appellation for him: but see the State Trials. Yet see the Trial of the seven Bishops, where he acknowledges and avows the words. The logic of these words was this; *A concealed act of writing is an open act in treason.* O. Yet this Finch was made earl of Aylsford by king George. S.

1684. At this time an accident happened, that surprised both the court and city; and which, if well managed, might probably have produced great effects. The duke of Monmouth had lurked in England all this summer, and was then designing to go beyond sea, and to engage in the Spanish service. The king still loved him passionately. Lord Halifax, seeing matters run so much further than he apprehended, thought that nothing could stop that so effectually as the bringing the duke of Monmouth again into favour. That duke writ to the king se-
574 veral letters, penned with an extraordinary force. Lord Halifax drew them all, as he himself told me, and shewed me his own draughts of them. By these the king was mollified, and resolved to restore him again to his favour[f]. It stuck much at the confession that he was to make. The king promised that no use should be made of it: but he stood on it, that he must tell him the whole truth of the matter. Upon which he consented to satisfy the king. But he would say nothing to the duke, more than to ask his pardon in a general compliment. Lord Halifax had pressed him earnestly upon his first appearance to be silent, and for a while to bear the censures of the town. The last day of the term was very near, in which all the prisoners were to be

Monmouth came in, and was pardoned.

His voice, his hand, unshaken, firm, serene!
Yet no diffuse harangue declaim'd aloud,
To gain the plaudits of a wayward crowd:
No specious feint, death's terrors to defy,
Still death delaying, as afraid to die;
But sternly silent, down he bows to prove,
How firm, unperishing, his public love.
Unconquer'd patriot! form'd by ancient lore
The love of ancient freedom to restore;
Who nobly acted what he boldly thought,
And seal'd by death the lesson that he taught.)

[f] (See two of these letters in the Appendix to Sprat's Hist. of the Conspiracy, p. 137—140.)

discharged according to the *habeas corpus* act. That would shew he had discovered nothing to their prejudice. So that all discourses concerning his confession and discoveries would vanish in a few days. And if he had followed this, probably it would have given a great turn to affairs. The king spoke nothing of the reconciliation to the duke of York, till the day before it was to be done. He was much struck with it: but the king was positive. Yet the duke's creatures in the cabinet council moved, that for form's sake he should be for some days put in the tower. The king cut that off by saying he had promised to pardon him. The duke of Monmouth, as was agreed, made a humble confession of his offences in general words to the king; and made a compliment to the duke, and begged that he would intercede with the king to pardon him. The king received him with a fondness that confounded all the duke's party: he used him more tenderly than he had done formerly. The duke put on an outward appearance of being very well pleased with it. The king said next day, that James (for so he called him) had confirmed all that Howard had sworn [g]. 1684.

[g] The last duke of Buckingham (Sheffield) told me, that the king assured him, that the duke of Monmouth had confirmed every word that lord Howard had sworn, and would have been a witness if the king had thought it proper. D. (The duke of York, in an account of the duke of Monmouth's confession, begins with the following particulars: "Mr. Secretary Jenkins being withdrawn, "and none present but the "king and duke of York, he "freely owned his knowledge "of the whole conspiracy, ex- "cept what related to the in- "tended assassination, with "which he averred he never "was acquainted. He named all "the persons concerned with "him in it, and did not contra- "dict any thing my lord How- "ard had said, except one par- "ticular, which was not ma- "terial. He very well remem- "bered what Rumney had said

1684. This was carried to the duke of Monmouth, who denied he had ever said any such thing; adding, that lord Howard was a liar and a rogue: and this was set round the town by his creatures, who run with it from coffee-house to coffee-house. The next gazette mentioned that the king had pardoned him upon his confessing the late plot. Lord Halifax pressed the duke of Monmouth to pass that over, and to impute it to the importunity of his enemies, and to the king's easiness: but he could not prevail. Yet he said little till his pardon was past. But then he openly denied that he had confessed the plot. By that he engaged himself in a plain con-
575 tradiction to what the king had said. Some were brought by the duke to the king, who confirmed, they had heard the duke of Monmouth say, that he had not confessed the plot: upon which the king ordered him to give a confession of it under his hand. Lord Halifax pressed him to write a letter to the king, acknowledging he had confessed the plot. *Plot* was a general word, that might signify as much or little as a man pleased: they had certainly dangerous consultations among them, which might be well called plots. He said, the service he might do his friends by such a general letter, and by his gaining the king's heart upon it, would quickly balance the seeming prejudice that such a general acknow-

" of my lord Russel, who, when " Trenchard had failed him, " said, he would put on his " boots, and go to Taunton " himself, and make the peo- " ple rise, &c. &c." Life of king James II. lately published from the Stuart Papers, vol. i. p. 742. It is added, that the king promised the duke of Monmouth, that he should not be obliged to appear as a witness against his friends. Compare the Appendix to bishop Sprat's Account of the Conspiracy, p. 136.) See Welwood, p. 142. O.

ledgment would bring them under, which could do them no hurt. Upon that he got him to write a letter to that purpose, which he carried to the king. And the king was satisfied. But the duke of Monmouth, whether of himself, or upon the suggestion of others, reflected on what he had done, and thought it a base thing. Though this was no evidence, yet he thought it might have an influence on juries, to make them believe every thing that might be sworn by other witnesses, when, from his confession, they were possessed with a general belief of the plot. So he went full of uneasiness to the king, and desired he might have his letter again, in the terms of an agony like despair. The king gave it back, but pressed him vehemently to comply with his desire [h]: and among other things the duke of Monmouth said, that the king used this expression; If you do not yield in this, you will ruin me. Yet he was firm. So the king forbid him the court, and spoke of him more severely than he had ever done for- 1684. But soon after disgraced.

[h] (The duke of Monmouth's letter to the king, written subsequently to his surrendering himself and his being pardoned, began in these terms: "I have "heard of some reports of me, "as if I should have lessened "the late plot, and gone about "to discredit the evidence "given against those who have "died by justice. Your ma- "jesty and the duke know "how ingenuously I have own- "ed the late conspiracy, and "though I was not conscious "of any design against your "majesty's life, yet I lament "the having had so great a "share in the other part of the "said conspiracy, &c. &c." But according to Echard, in his Hist. of England, p. 1039, this letter was indited by the king, and written over again by the duke without hesitation, who subscribed it, and presented it to his majesty. The king afterwards, on the duke's application at different times, restored it to him. This is the account Echard gives, following Sprat in his authorized History of this Conspiracy; in the Appendix to which Hist. the duke's letter, and, as was observed, the two others sent by him to the king, before he surrendered himself, are to be seen.)

1684. merly. He was upon this more valued and trusted by his own party than ever. After some days he went beyond sea: and after a short concealment he appeared publicly in Holland, and was treated by the prince of Orange with a very particular respect.

The prince had come for a few days to England after the Oxford parliament, and had much private discourse with the king at Windsor. The king assured him, that he would keep things quiet, and not give way to the duke's eagerness, as long as he lived: and added, he was confident, whenever the duke should come to reign, he would be so restless and violent, that he could not hold it four years to an end. This I had from the prince's own mouth [i]. Another passage was told me by the earl of Port-

[i] (A remarkable passage confirmatory of this account occurs in the Memoirs of sir Richard Bulstrode, a Roman catholic, who had been the resident at the court of Brussels. "About "two years before the death of "king Charles II. he gave me "leave to come into England, "and sent the Katherine yacht "to Ostend for me. Some "days after my arrival at White-"hall, he commanded me to "walk with him to Hyde park, "and as I walked with him, "the rest of the company keep-"ing at a good distance, he "told me, that I had served "him very well at Brussels, "and that his brother had given "him a very good account of "my carriage towards him "there..... And after hav-"ing asked me many questions "about the nobility of those "countries, he said, that during "his exile abroad he had seen "many countries, of which none "pleased him so much as that "of the Flemings, which were "the most honest and true-"hearted race of people that "he had met with: and then "added, *But I am weary of tra-"velling, I am resolved to go "abroad no more: but when I "am dead and gone, I know not "what my brother will do. I "am much afraid, that when he "comes to the crown, he will be "obliged to travel again. And "yet I will take care to leave "my kingdoms to him in peace, "wishing he may long keep "them so. But this hath all of "my fears, little of my hopes, "and less of my reason; and I "am much afraid, that when "my brother comes to the "crown, he will be obliged "again to leave his native soil.*" p. 424.)

land. The king shewed the prince one of his seals; and told him, that whatever he might write to him, if the letter was not sealed with that seal, he was to look on it as only drawn from him by importunity. The reason for which I mention that in this place is, because, though the king wrote some terrible letters to the prince against the countenance he gave to the duke of Monmouth, yet they were not sealed with that seal; from which the prince inferred, that the king had a mind that he should keep him about him, and use him well. And the king gave orders, that in all the entries that were made in the council books of this whole business, nothing should be left on record that could blemish him. 1684. 576

Hamden was now the only man of the six that was left. Yet there was nothing but Howard's evidence against him, without so much as any circumstance to support it. So, since two witnesses were necessary to treason, (whereas one was enough for a misdemeanor,) he was indicted of a misdemeanor, though the crime was either treason or nothing. Jefferies, upon Howard's evidence, charged the jury to bring him in guilty: otherwise, he told them, they would discredit all that had been done before. So they brought him in guilty. And the court set 40,000*l.* fine on him, the most extravagant fine that had ever been set for a misdemeanor in that court. It amounted indeed to an imprisonment for life. Hamden's trial.

Sometime in the spring eighty-four, Halloway was taken in the West Indies, and sent over. He was under an outlawry for treason. The attorney general offered him a trial, if he desired it. But he was prevailed on, by the hope of a pardon, to submit, and confess all he knew. He said, he was Halloway's execution.

1684. drawn into some meetings, in which they consulted how to raise an insurrection, and that he and two more had undertaken to manage a design for seizing on Bristol, with the help of some that were to come to them from Taunton: but he added, that they had never made any progress in it. He said, at their meetings at London, Rumsey and West were often talking of *lopping* the king and the duke: but that he had never entered into any discourse with them upon that subject: and he did not believe there were above five persons that approved of it. These were West, Rumsey, Rumbold, and his brother: the fifth person is not named in the printed relation. Some said, it was Ferguson: others said, it was Goodenough. Halloway was thought by the court not to be sincere in his confession. And so, since what he had acknowledged made himself very
577 guilty, he was executed, and died with a firm constancy. He shewed great presence of mind. He observed the partiality that was evident in managing this plot, different from what had appeared in managing the popish plot. The same men who were called rogues when they swore against papists, were looked on as honest men when they turned their evidence against protestants. In all his answers to the sheriffs, who at the place of execution troubled him with many impertinent questions, [that shewed their dulness as well as their officiousness,] he answered them with so much life, and yet with so much temper, that it appeared he was no ordinary man. His speech was suppressed for some days: but it broke out at last. In it he expressed a deep sense of religion: his prayer was an excellent composure. The credit of the Rye-plot re-

ceived a great blow by his confession. All that discourse about an insurrection, in which the day was said to be set, appeared now to be a fiction; since Bristol had been so little taken care of, that three persons had only undertaken to dispose people to that design, but had not yet let it out to any of them. So that it was plain, that after all the story they had made of the plot, it had gone no further, than that a company of seditious and inconsiderable persons were framing among themselves some treasonable schemes, that were never likely to come to any thing[k]; and that Rumsey and West had pushed on the execrable design of the assassination, in which, though there were few that agreed to it, yet too many had heard it from them, who were both so foolish and so wicked, as not to discover them. 1684.

But if the court lost much by the death of Halloway, whom they had brought from the West Indies, they lost much more by their proceedings against sir Thomas Armstrong, who was surprised at Leyden, by virtue of a warrant that Chudleigh the king's envoy had obtained from the States, for seizing on such as should fly out of England on the account of the plot. So the scout at Leyden, for five thousand gilders, seized on him; and delivered him to Chudleigh, who sent him over in great haste. Armstrong in that confusion forgot to claim that he was a native of the States: for he was born at Nimeguen: and that would have obliged the Dutch to have protected him, as one of their natural born subjects. He was trusted in every thing by the duke of Monmouth: and he having led a very vi- Armstrong's death.

[k] Cursed partiality. S.

1684. cious life, the court hoped that he, not being able to bear the thoughts of dying, would discover every thing. He shewed such a dejection of mind, while he was concealing himself, before he escaped out of
578 England, that Hamden, who saw him at that time, told me, he believed he would certainly do any thing that would save his life. Yet all were disappointed in him: for when he was examined before the council, he said, he knew of no plot but the popish plot: he desired he might have a fair trial for his life: that was all he asked. He was loaded with irons; though that was not ordinary for a man who had served in such posts, as to be lieutenant of the first troop of guards, and gentleman of the horse to the king. There was nothing against him, but what Rumsey and Shepherd had sworn of the discourses at Shepherd's, for which lord Russel had suffered. But by this time the credit of the witnesses was so blasted, that it seems the court was afraid that juries would not now be so easy as they had been. The thing that Rumsey had sworn against him seemed not very credible: for he swore that at the first meeting, Armstrong undertook to go and view the guards in order to the seizing them; and that upon a view, he said at a second meeting, that the thing was very feasible. But Armstrong, who had commanded the guards so long, knew every thing that related to them so well, that without such a transient view he could of the sudden have answered every thing relating to them. The court had a mind to proceed in a summary way with him, that he should by the hurry of it be driven to say any thing that could save him. He was now in an outlawry: but though the sta-

tute was express, that if an outlawed person came in at any time within the year, he was to have a trial, notwithstanding his outlawry. It was pretended, in answer to this, that he not coming in, but being taken, had not a right to the benefit of the statute. But there were several months of the year yet to run. And since a trial was a demand founded on natural justice, he insisted on it. And when he was brought to the king's bench bar, and asked what he had to say why sentence should not be executed, he claimed the benefit of the statute. He said, he had yet, when he was taken, several months to deliberate upon his coming in: and the seizing on him before his time was out, ought not to bar him a right that the law gave him. He also mentioned Halloway, to whom a trial was offered the former term. And, since it was a point of law, he desired council might be heard to argue it. Jefferies rejected all this: he said, the king might either offer a trial or not, as he saw cause: and he refused to hear council: which being demanded upon a point of law, the denying it was thought a very impudent piece of injustice. And when Armstrong insisted, that he asked nothing but the law, Jefferies in his brutal way said, he should have it to the full; and so ordered his execution within six days. And the law was executed on him with the utmost rigour: for he was carried to Tyburn in a sledge, and was quartered, and his quarters were set up. His carriage, during his imprisonment and at his death, was far beyond what could have been imagined. He turned himself wholly to the thoughts of God, and of another state; and was praying continually. He rejoiced, that he was brought to die

1684.

579

1684. in such a manner. He said, it was scarce possible for him to have been awakened into a due sense of his sins by any other method. His pride and his resentments were then so entirely conquered, that one who saw him said to me, that it was not easy to think it was the same person whom he had known formerly. He received the sacrament; and died in so good a temper, and with so much quiet in his mind, and so serene a deportment [l], that we have scarce known in our time a more eminent instance of the grace and mercy of God. Armstrong in his last paper denied, that he ever knew of any design against the king's or the duke's life, or was in any plot against the government [m]. There were no remarks published on his speech, which it was believed the court ordered: for they saw how much ground they had lost by this stretch of law, and how little they had gained by his death. One passage in it was the occasion of their ordering no such reflections to be made on it, as had been made on the other speeches. The king had published a story all about the court, and had told it to the foreign ministers, as the reason of this extreme severity

[l] ("In this account I can "contradict him myself; I saw "that unhappy man go to die. "As he passed along, he threw "about his arms, as far as the "rope that tied him would permit, turned about his head after an unusual manner, drew "and shrugged up his shoulders, with such convulsions "and distortions of his countenance, such visible marks of "passion, as shewed so great a "disorder and perturbation of "mind, as I never observed in "any Englishman in the same "circumstances." *Higgons's Remarks on this Hist.* p. 269.)

[m] ("Burnet is mistaken in "saying that Armstrong denied "having been engaged in any "design *against the government.* His words, as we see "above, were, *to alter* the government." *Lord John Russell's Life of Lord Russell*, note, p. 257.)

against Armstrong: he said, that he was sent over by Cromwell to murder him beyond sea, and that he was warned of it, and challenged him on it; and that upon his confessing it he had promised him never to speak of it any more as long as he lived. So the king, counting him now dead in law, thought he was free from that promise[n]. Armstrong took this heavily: and in one paper which I saw, writ in his own hand, the resentments upon it were sharper than I thought became a dying penitent. So, when that was represented to him, he changed it: and in the paper he gave the sheriffs he had softened it much. But yet he shewed the falsehood of that report: for he never went beyond sea but once, sent by the earl of Oxford, and some other cavaliers, with a considerable present to the king in money, which he delivered; and brought back letters of thanks from the king to those who made the present. But Cromwell having a hint of this, clapt him up in prison, where he was kept almost a year. And upon the merit of that service, he was made a captain of horse soon after the restoration. When Jefferies came to the king at Windsor, soon after this trial, the king took a ring of good value from his finger, and gave it him for these services: the ring upon that was called his blood-stone. The king gave him one advice, which was somewhat extraordinary from a king to a judge; but it was not the less necessary to him: the king said, it was a hot summer, and he was going the circuit, he therefore desired he would not drink too much. With 1684. 580

[n] If the king had a mind to lie, he would have staid till Armstrong was hanged. S.

1684. this I leave the affairs of England, to look towards Scotland.

Great severity in Scotland.

Great pains were taken there to make a further discovery of the negotiation between the English and the Scots. A gentleman, who had been at Bothwell-bridge, was sent over by the Cargillites to some of their friends in Holland: and he carried with him some letters writ in an odd cant. He was seized at Newcastle, together with his letters; and was so frighted, that he was easily managed to pretend to discover any thing that was suggested to him. But he had never been at London: so he could speak of that negotiation but upon hearsay. His story was so ill laid together, that the court was ashamed to make any use of it: but it turned heavily on himself, for he went mad upon it. Two others came in, and charged sir Hugh Cambell of Cesnock, an ancient gentleman of a good estate, that he had set on the rebellion of Bothwell-bridge, and had chid them for deserting it. Upon this he was brought to a trial. In Scotland the law allows of an exculpation, by which the prisoner is suffered before his trial to prove the thing to be impossible. This was prayed by that gentleman, who had full proofs of his being elsewhere, and at a great distance from the place, at that time. But that is a favour which the court may grant, or not: so that was denied him. The first witness that was examined at his trial began with a general story: and when he came to that in which the prisoner was concerned, Cambell charged him to look him full in the face, and to consider well what he was to say of him; for he took God to witness, he never saw his face be-

fore, as far as he could remember. Upon that the witness was struck, and stopped; and said, he could say nothing of him. The earl of Perth was then justice general, and offered to lead him into his story. But the jury stopped that; and said, that he upon his oath had declared he knew nothing of the prisoner, and that after that they could have no regard to any thing that he might say. Upon which some sharp words passed between lord Perth and them, in which he shewed how ready he was to sacrifice justice and innocent blood to his ambition. And that was yet grosser in this case; because his brother was promised that gentleman's estate, when it should be confiscated. The second witness said nothing, but seemed confounded: so Cambell was acquitted by the jury, but was still kept in prison. These witnesses were again examined before the council: and they adhered to their first deposition against the prisoner. The law in Scotland is very severe against false witnesses, and treats them as felons. But the government there would not discourage such practices; of which, when they should be more lucky, they intended to make good use. The circuits went round the country, as was directed by the proclamation of the former year. Those who were most guilty compounded the matter, and paid liberally to a creature of the lord chancellor's, that their names might be left out of the citations. Others took the test: and that freed them from all further trouble. They said openly, that it was against their conscience; but they saw they could not live in Scotland, unless they took it. Others observed, that the severity which the presbyterians formerly had used, forcing all people to

1684. 581

1684. take their covenant, was now returned back on them in this test, that they were thus forced to take.

A breach in the ministry there.

In the mean while a great breach was formed, and appeared on all occasions, between the earls of Aberdeen and Queensbury. The latter was very exact in his payments, both of the soldiers and of the pensions: so his party became the strongest. Lord Aberdeen's method was this: he writ up letters to the duke of all affairs, and offered expedients, which he pretended were concerted at Edenburgh; and sent with them the draughts of such letters, as he desired should be sent down from the king. But these expedients were not concerted, as he said: they were only his own conceits. Lord Queensbury, offended with this, let the duke understand how he had been deceived. So an order was sent down that all expedients should be concerted by a junto, consisting of lord Queensbury's creatures.

582 Lord Aberdeen saw that by this he came to signify little: and seeing he was losing ground at court, he intended to recover himself a little with the people. So he resolved for the future to keep to the law, and not to go beyond it. And such was the fury of that time, that this was called moderation and popularity. The churches were now all well kept by the men: but their wives not being named in the act of parliament, none of them went to church. The matter was laid before the council: and a debate arose upon it; whether, man and wife making one person in law, husbands should not be fined for their wives' offence, as well as for their own. Lord Aberdeen stood upon this, that the act did not mention the wives: it did indeed make the husbands

liable to a fine, if their wives went to conventicles; 1684.
for they had it in their power to restrain them: and since the law provided in the one case, that the husband should suffer for his wife's fault, but had made no provision in the other case, as to their going to church, he thought the fining them on that account could not be legally done. Lord Queensbury was for every thing that would bring money into the treasury: so, since in those parts the ladies had for many years withdrawn wholly from the churches, he reckoned the setting fines on their husbands to the rigour would make all the estates of the country be at mercy; for the selling them outright would not have answered this demand for the offences of so many years. The earl of Perth struck in with this, and seemed to set it up for a maxim, that the presbyterians could not be governed, but with the extremity of rigour; and that they were irreconcileable enemies to the king and the duke, and that therefore they ought to be extirpated. The ministry in Scotland being thus divided, they referred the decision of the point to the king: and lord Perth came up to have his resolution upon it. The king determined against the ladies: which was thought very indecent; for in dubious cases the nobleness of a prince's temper should always turn him to the merciful side. This was the less expected from the king, who had all his lifetime expressed as great a neglect of women's consciences, as esteem for their persons.

The duke governed all affairs.

But to do him right, he was determined to it by the duke; who, since the breaking out of the plot, had got the whole management of affairs, English as well as Scotish, into his hands. Scotland was so

1684. entirely in his dependance, that the king would sel-
583 dom ask what the papers imported, which the duke brought to be signed by him. In England, the application and dependance was visibly on the duke. The king had scarce company about him to entertain him, when the duke's levees and couchees were so crowded, that the antichambers were full. The king walked about with a small train of the necessary attendants, when the duke had a vast following: which drew a lively reflection from Waller, the celebrated wit. He said, the house of commons had resolved that the duke should not reign after the king's death: but the king, in opposition to them, was resolved he should reign even during his life. The breach grew to that height between lord Aberdeen and lord Queensbury, that both were called up to give an account of it. It ended in dismissing lord Aberdeen, and making lord Perth chancellor, to which he had been long aspiring in a most indecent manner[o]. He saw into the duke's temper, that his spirit was turned to an unrelenting severity: for this had appeared very indecently in Scotland.

The cruelty of the duke, and of his ministers in torturing.

When any are to be struck in the boots, it is done in the presence of the council: and upon that occasion almost all offer to run away. The sight is so dreadful, that without an order restraining such a number to stay, the board would be forsaken. But the duke, while he had been in Scotland, was so far from withdrawing, that he looked on all the while with an unmoved indifference, and with an attention, as if he had been to look on some curious

[o] *Decent* and *indecent*, very useful words to this author. S.

experiment. This gave a terrible idea of him to all 1684.
that observed it, as of a man that had no bowels nor humanity in him. Lord Perth, observing this, resolved to let him see how well qualified he was to be an inquisitor general. The rule about the boots in Scotland was, that upon one witness and presumptions both together, the question might be given: but it was never known to be twice given; or that any other species of torture, besides the boots, might be used at pleasure. In the court of inquisition they do upon suspicion, or if a man refuses to answer upon oath as he is required, give him the torture; and repeat it, or vary it, as often as they think fit; and do not give over, till they have got out of their mangled prisoners all that they have a mind to know from them.

This lord Perth resolved to make his pattern: and was a little too early in letting the world see, what a government we were to expect under the influence of a prince of that religion. So, upon his going to Scotland, one Spence, who was a servant of lord Argile's, and was taken up at London, only 584
upon suspicion, and sent down to Scotland, was required to take an oath to answer all the questions that should be put to him. This was done in a direct contradiction to an express law against obliging men to swear, that they will answer *super inquirendis*. Spence likewise said, that he himself might be concerned in what he might know: and it was against a very universal law, that excused all men from swearing against themselves, to force him to take such an oath. So he was struck in the boots, and continued firm in his refusal. Then a new species of torture was invented: he was kept from sleep

1684. with in prison, that if his death would have satisfied the malice of the court, that seemed to be very near. But they knew how acceptable a sacrifice his dying in a more violent way would prove. So they continued even in that extremity to use him barbarously. They were also trying what could be drawn from those gentlemen against him. Terras had married his niece, who was his second wife. So they concluded that their confidence was entire. Baillie's illness increased daily: and his wife prayed for leave to attend on him: and, if they feared an escape, she was willing to be put in irons: but that was denied. Nor would they suffer his daughter, a child of twelve years old, to attend him, even when he was so low, that it was not probable he could live many weeks, his legs being much swelled. But upon these examinations a new method in proceeding against him was taken. An accusation was sent him, not in the form of an indictment, nor grounded on any law, but on a letter of the king's, in which he charged him not only for a conspiracy to raise rebellion, but for being engaged in the Rye-plot; of all which he was now required to purge himself by oath, otherwise the council would hold him guilty of
586 it, and proceed accordingly. He was not, as they said, now in a criminal court upon his life, but before the council, who did only fine and imprison. It was to no purpose for him to say, that by no law, unless it was in a court of inquisition, a man could be required to swear against himself, the temptation to perjury being so strong when self-preservation was in the case, that it seemed against all law and religion to lay such a snare in a man's way. But to answer all this, it was pretended he was not now

with his tools to take them off. So he confessed all he knew, which amounted to little more than some discourses of taking off the duke; to which he said that he answered, his principles could not come up to that: yet in this he, who was a preacher among them, was highly to blame, for not revealing such black propositions; though it cannot be denied, but that it is a hard thing to discover any thing that is said in confidence: and therefore I saved my self out of those difficulties by saying to all my friends, that I would not be involved in any such confidence; for as long as I thought our circumstances were such that resistance was not lawful, I thought the concealing any design in order to it was likewise unlawful: and by this means I had preserved my self[p]. But Carstairs had at this time some secrets of great consequence from Holland trusted to him by Fagel, of which they had no suspicion: and so they asked him no questions about them. Yet Fagel saw by that, as he himself told me, how faithful Carstairs was, since he could have saved himself from torture, and merited highly, if he had discovered them. And this was the foundation of his favour with the prince of Orange, and of the great confidence he put in him to his death. 1684. 585

Upon what was thus screwed out[q] of these two persons, the earl of Tarras, who had married the duchess of Monmouth's elder sister, and six or seven gentlemen of quality, were clapt up. The ministers of state were still most earnestly set on Baillie's destruction; though he was now in so languishing a state, occasioned chiefly by the bad usage he met Proceedings against Baillie.

[p] Jesuitical. S. [q] Witty the second time. S.

1684. soners, threatening them with all the extremities of misery, if they would not witness treasonable matter against Baillie. They also practised on their wives, and frightening them, set them on their husbands. In conclusion, they gained what had been so much laboured: Tarras, and one Murray of Philipshaugh, did depose some discourses that Baillie had with them before he went up to London, disposing them to a rebellion. In these, they swelled up the matter
587 beyond the truth. Yet all did not amount to a full proof. So the ministers, being afraid that a jury might not be so easy as they expected, ordered Carstairs's confession to be read in court, not as an evidence, (for that had been promised him should not be done,) but as that which would fully satisfy the jury, and dispose them to believe the witnesses. So Baillie was hurried on to a trial. And upon the evidence he was found guilty, and condemned to be executed that same day: so afraid they were, lest death should be too quick for them. He was very little disturbed at all this: his languishing in so solitary a manner made death a very acceptable deliverance to him. He in his last speech shewed, that in several particulars the witnesses had wronged him: he still denied all knowledge of any design against the king's life or the duke's; and denied any plot against the government: he thought it was lawful for subjects, being under such pressures, to try how they might be relieved from them: and their design never went further: but he would enter into no particulars. Thus a learned and a worthy gentleman, after twenty months' hard usage, was brought to such a death, in a way so full in all the steps of it of the spirit and practice of the courts of inquisition,

And his execution.

on his life, and that whatsoever he confessed was not to be made use of against his life; as if the ruin of his family, which consisted of nine children, and perpetual imprisonment, were not more terrible, especially to one so near his end as he was, than death itself. But he had to do with inexorable men: so he was required to take this oath within two days. And by that time, he not being able to appear before the council, a committee of council was sent to tender him the oath, and to take his examination. He told them, he was not able to speak by reason of the low state of his health, which appeared very evidently to them: for he had almost died while they were with him. He in general protested his innocence, and his abhorrence of all designs against the king, or the duke's life: for the other interrogatories, he desired they might be left with him, and he would consider them. They persisted to require him to take his oath: but he as firmly refused it. So, upon their report, the council construed this refusal to be a confession: and fined him 6000*l.* and ordered him to lie still in prison till it was paid. After this, it was thought that this matter was at an end, and that this was a final sentence: but he was still kept shut up, and denied all attendance or assistance. He seemed all the while so composed, and even so cheerful, that his behaviour looked like the reviving of the spirit of the noblest of the old Greeks or Romans, or rather of the primitive Christians and first martyrs in those best days of the church[r]. But the duke was not satisfied with all this. So the ministry applied their arts to Tarras, and the other pri- 1684.

[r] For he was our cousin. S.

1684. don. Upon his coming to me, I was amazed to see him at above seventy look so fresh and well, that age seemed as it were to stand still with him: his hair was still black, and all his motions were lively: he had the same quickness of thought and strength of memory, but above all the same heat and life of devotion, that I had ever seen in him. When I took notice to him, upon my first seeing him, how well he looked, he told me, he was very near his end for all that; and his work and journey both were now almost done. This at that time made no great impression on me. He was the next day taken with an oppression, and as it seemed with a cold and with stitches, which was indeed a pleurisy.

Leightoun's death. The next day Leightoun sunk so, that both speech and sense went away of a sudden: and he continued panting about twelve hours; and then died without pangs or convulsions[t]. I was by him all the while. Thus I lost him, who had been for so many years the chief guide of my whole life. He had lived ten years in Sussex, in great privacy, dividing his time wholly between study and retirement, and the doing of good: for in the parish where he lived, and in the parishes round about, he was always employed in preaching, and in reading prayers. He distributed all he had in charities, choosing rather to have it go through other people's hands than his own: for I was his almoner in London. He had gathered a well chosen library of curious as well as useful books; which he left to the diocese of Dunblane, for the use of the clergy there, that country being ill provided with books. He lamented oft to me the stupidity

[t] Burnet killed him by bringing him to London. S.

that one is tempted to think that the methods taken in it were suggested by one well studied, if not practised in them. The only excuse that was ever pretended for this infamous prosecution was, that they were sure he was guilty[s]: and that the whole secret of the negociation between the two kingdoms was trusted to him; and that, since he would not discover it, all methods might be taken to destroy him: not considering what a precedent they made on this occasion, by which, if men were once possessed of an ill opinion of a man, they were to spare neither artifice nor violence, but to hunt him down by any means. I have been perhaps too long in this particular; but the case was so singular, and my relation to the person was so near, and my value for him was so great, that I hope I need make no apology for it. 1684.

In this I saw how ambition could corrupt one of the best tempered men that I had ever known: I mean lord Perth, who for above ten years together seemed to me incapable of an immoral or cruel action, and yet was now deeply engaged in the foulest and blackest of crimes. I had not now seen him for two years. But I hoped, that still some good impressions had been left in him: and now, when he came to London to be made lord chancellor, I had a very earnest message from him, desiring by 588
my means to see Leightoun. I thought that angelical man might have awakened in him some of those good principles which he seemed once to have, and which were now totally extinguished in him. I writ so earnestly to Leightoun, that he came to Lon-

[s] Bishop of Rochester. S. (He alludes to bishop Atterbury's case.)

1684. strictness of life, and that laboriousness in the clergy that became us.

There were two remarkable circumstances in his death. He used often to say, that if he were to choose a place to die in, it should be an inn; it looking like a pilgrim's going home, to whom this world was all as an inn, and who was weary of the noise and confusion in it[x]. He added, that the officious tenderness and care of friends was an entanglement to a dying man; and that the unconcerned attendance of those that could be procured in such a place would give less disturbance. And he obtained what he desired; for he died at the Bell inn, in Warwick-lane. Another circumstance was, that while he was bishop in Scotland, he took what his tenants were pleased to pay him: so that there was a great arrear due, which was raised slowly by one whom he left in trust with his affairs there: and the last payment that he could expect from thence was returned up to him about six weeks before his death: so that his provision and journey failed both at once. And thus in the several parts of this history, I have given a very particular account of every thing relating to this apostolical man; whose life I would have writ, if I had not found proper places to bring the most material parts of it within this work. I reckon, that I owed this to that perfect friendship and fatherly care with which he had always treated me.

The promotions of some bishops.

The mentioning his death leads me to name some other clergymen of note, that died in this and in the former year. Burnet died in Scotland. And Ross,

[x] Canting puppy. S.

that he observed among the commons of England, 1684.
who seemed to be much more insensible in the matters of religion, than the commons of Scotland were. He retained still a peculiar inclination to Scotland: and if he had seen any prospect of doing good there, he would have gone and lived and died among them. In the short time that the affairs of Scotland were in the duke of Monmouth's hands, that duke had been possessed with such an opinion of him, that he moved the king to write to him, to go, and at least live in Scotland, if he would not engage in a bishopric there. But that fell with that duke's credit. He was in his last years turned to a greater severity against popery than I had imagined 589
a man of his temper, and of his largeness in point of opinion, was capable of. He spoke of the corruptions, of the secular spirit, and of the cruelty that appeared in that church, with an extraordinary concern: and lamented the shameful advances that we seemed to be making towards popery. He did this with a tenderness, and an edge, that I did not expect from so recluse and mortified a man. He looked on the state the church of England was in with very melancholy reflections, and was very uneasy at an expression then much used, that it was the best constituted church in the world. He thought it was truly so, with relation to the doctrine, the worship, and the main part of our government. But as to the administration, both with relation to the ecclesiastical courts and the pastoral care, he looked on it as one of the most corrupt he had ever seen [u]. He thought, we looked like a fair carcase of a body without a spirit; without that zeal, that

[u] Very civil. S.

1684. king used to say, was because they did not understand him. Turner succeeded him. He had been long in the duke's family, and was in high favour with him. He was a sincere and good-natured man, of too quick an imagination, and too defective a judgment. He was but moderately learned, having conversed more with men than with books: and so he was not able to do the duke great service. But he was so zealous for his succession, that this raised him high upon no great stock of sufficiency. Old Morley, bishop of Winchester, died this winter, in the eighty-seventh year of his age[a]. He was in many respects a very eminent man, zealous against popery, and yet a great enemy to the dissenters: he was considerably learned, and had a great vivacity of thought: but he was too soon provoked, and too little master of himself upon those occasions[b]. Mew,

[a] Not long before his death, (for he then kept his chamber,) my father carried me with him to Farnham castle. I was not above twelve years old, but remember the bishop talked much of the duke, and concluded with desiring my father to tell him from him, that if ever he depended upon the doctrine of non-resistance, he would find himself deceived; for there were very few of that opinion, though there were not many of the church of England that thought proper to contradict it in terms; but was very sure they would in practice. My father told me, he had frequently put king James in mind of Morley's last message to him, though to very little purpose; for all the answer was, that the bishop was a very good man, but grown old and timorous. D. (This note has been already communicated to the public by Sir John Dalrymple in the Appendix to his Memoirs, vol. ii. p. 289.)

[b] This character is true. S. This bishopric had been very valuable to Morley, he coming into it early after the restoration, and having the benefit of most of the new leases: but he was a generous and charitable man, and of great public spirit. I have been told his public benefactions amounted to above 40,000*l*. He left but a small estate to his family, considering what he might have done for them: they are settled in Hampshire. O. (The last of the family, sir Charles Mor-

a poor, ignorant, worthless man, but in whom obedience and fury were so eminent, that these supplied all other defects, was raised to be the primate of that church: which was indeed a sad omen, as well as a step to its fall and ruin. Stearn, archbishop of York, died in the eighty-sixth year of his age: he was a sour, ill-tempered man, and minded chiefly the enriching his family[y]. He was suspected of popery, because he was more than ordinarily compliant in all things to the court, and was very zealous for the duke[z]. Dolben, bishop of Rochester, succeeded him, a man of more spirit than discretion, and an excellent preacher, but of a free conversation, which laid him open to much censure in a vicious court. And indeed he proved a much better archbishop than he had been a bishop. Gunning of Ely died this summer, a man of great reading: he had in him all the subtlety and the disputing humour of a schoolman: and he studied to infuse that into all those who were formed by him. He was strict in the whole course of his life: but was a dry man, and much inclined to superstition. He had a great confusion of things in his head, and could bring nothing into method: so that he was a dark and perplexed preacher. His sermons were full of Greek and Hebrew, and of the opinions of the fathers. Yet many of the ladies of a high form loved to hear him preach: which, the 1684.

[y] Yet thought author of The Whole Duty of Man. S. (The archbishop had thirteen children. He founded nevertheless six scholarships in the university of Cambridge, and gave 1850*l.* towards rebuilding St. Paul's cathedral. See Le Neve's Lives of the Protestant Bishops.)

[z] (He was probably as much a papist as his patron archbishop Laud, whose chaplain he had been, and who wrote that immortal book against the Jesuit Fisher, in which, not only the protestant, but the Christian cause is defended.)

1684. against for going to conventicles, but for not going to church, and for not receiving the sacrament; the laws made against papists with relation to those particulars, being now applied to them. Many were excommunicated, and ruined by the prosecutions. The earl of Danby, for all his severity against lord Shaftsbury for moving in the king's bench to be bailed, though committed by the lords only for contempt, yet had been forced to move often for his being let out upon bail. It was certainly a very great hardship that he lay under: for he had been now five years in the tower. And three parliaments had sat. The two last had not mentioned him. And now a parliament seemed out of sight. Yet, though he offered a very long and learned argument for their bailing him, the judges of the king's bench, even Sanders himself, were afraid to meddle in it. But Jefferies was bolder. So he bailed him. And upon the same grounds all the popish lords were also bailed. Oates was prosecuted at the duke's suit for scandalous words: *rogue* and *traitor* were very freely bestowed on the duke by him: so an 100,000*l.* was given, which shut him up in a perpetual imprisonment, till they saw a fit opportunity to carry matters further against him. The duke of Beaufort, lord Peterborough, and some others, brought actions of *scandalum magnatum* against those who in the time of our great heat had spoke foul things of them: and great damages were given by obsequious and zealous juries. An information of a higher nature was brought against Williams, who, though he was a
592 worthless man, yet was for his zeal chosen speaker of the house of commons in the two last parliaments.

bishop of Bath and Wells, succeeded him: he had been a captain during the wars, and had been Middletoun's secretary, when he was sent to command the insurrection that the highlanders of Scotland made for the king in fifty-three. After that he came into orders: and, though he knew very little of divinity, or of any other learning, and was weak to a childish degree, yet obsequiousness and zeal raised him through several steps to this great see[c]. Ken succeeded him in Bath and Wells; a man of an ascetic course of life, and yet of a very lively temper, but too hot and sudden. He had a very edifying way of preaching: but it was more apt to move the passions, than to instruct. So that his sermons were rather beautiful than solid: yet his way in them was very taking. The king seemed fond of him. And by him and Turner the papists hoped that great progress might be made in gaining, or at least deluding the clergy. It was observed, that all the men in favour among the clergy were unmarried; from whom they hoped they might more probably promise themselves a disposition to come over to them[d]. 1684. 591

The prosecution of the dissenters was carried very high all this year: they were not only proceeded Danby and the popish lords bailed.

ley of Droxford, in Hants, had a daughter, who was grandmother of the present marquis of Winchester.)

[c] Lord Sunderland told me, Mew always took *him* (*viz.* that earl of Sunderland) for his father, who was killed at Newbury, and used to converse much with him upon that foot. He lived to a great age, which disappointed many pretenders to his succession: amongst which the reverend author was the chief, during the reign of king William. D. (Whilst bishop of Bath and Wells he held the presidentship of St. John's college, Oxford.)

[d] ("Dr. Turner was a married "man." *Higgons's Remarks on this History*, p. 275. And so were Sterne and Dolben.)

1684. payments, which was chiefly imputed to him. [He was become very insolent, and gave into drinking, and was charged with corruption in the treasury[f].] Lord Halifax and lord North[g] joined their interest to bring in two other commissioners upon him, without so much as letting him know of it, till it was resolved on. These were Thynn and North[h]. This last was to be rewarded for his service during his shrievalry in London. Lord Rochester engaged both the duke and the lady Portsmouth to divert this, if it was possible. But the king was not to be shaken. So he resolved to quit the treasury. The earl of Radnor was discharged from being lord president of the council, where he had for some years acted a very mean part, in which he had lost the character of a steady, cynical Englishman, which he had maintained in the former course of his life. And lord Rochester was made lord president: which being a post superior in rank, but much inferior both in advantage and credit to that he held formerly, drew a jest from lord Halifax that may be worth remembering: he said, he had heard of many kicked down stairs, but never of any that was kicked up stairs before. Godolphin was weary of the drudgery that lay on a secretary of state. He chose rather to be the first commissioner of the treasury. And he was made a baron. The earl of Middletoun, son to him that had governed Scotland, was made secretary of state, a man of a generous temper, but without much religion, well learned, of a good judgment, and a lively apprehension.

[f] See before, page 531.

[g] Lord keeper North. O.

[h] A brother of the keeper. O.

He had licensed the printing the votes, which had in them matters of scandal relating to some lords[e]. So an information was brought against him: and he upon it demurred to the jurisdiction of the court. This was driven on purpose by the duke's party, to cut off the thoughts of another parliament; since it was not to be supposed, that any house of commons could bear the punishing the speaker for obeying their orders. 1684.

Some removes made at court.

Jenkins had now done all the drudgery that the court had occasion for from him: and being capable to serve them in nothing else, he was dismissed from being secretary of state: and Godolphin, one of the commissioners of the treasury, succeeded him. Another commissioner of the treasury, Deering, dying at the same time, the earl of Rochester hoped to have been made lord treasurer. He had lost much ground with the king. And the whole court hated him, by reason of the stop of all

[e] It was for having appointed (according to an order of the house of commons) the printing of Dangerfield's information, for which he was fined 10,000*l.* and paid the whole, or the greatest part of it, (as his grandson, Sir Watkin, told me.) After the revolution, he attempted to get an act of parliament to reverse the judgment, but did not obtain it. It dropped at first in the house of commons, but in 1696. a bill for it passed the commons, but failed with the lords. He was very odious, on account of his behaviour in king James's reign, particularly for what he did in the case of the seven bishops. He was then solicitor general, and undertook that matter for the court: if he had succeeded in it, he was, as I have been informed, to have had the great seal, the fury of Jefferies being then somewhat abated, and the court displeased with him upon that score. This relaxation of Jefferies was observed to be after his son had married the heiress of the Pembroke family, with whom he had a great part of the estate. The joy which, it is said, Jefferies shewed on the acquittal of the bishops, was because of the disappointment his rival Williams had by it. O.

1684. ceeded well in the enriching of themselves, and the work was now brought near perfection, which seemed to give us the key of the Mediterranean: he, to deliver himself from that charge, sent lord Dartmouth with a fleet to destroy all the works, and to bring home all our men. The king, when he communicated this to the cabinet council, charged them to be secret. But it was believed, that he himself spoke of it to the lord Arlington, and that lord Arlington told it to the Portugal ambassador: for the ambassador took fire upon it; and desired, that, if the king was weary of keeping it, he would restore it to his master: and he undertook to pay a great sum for the charge the king had been at, all these years that he had it. But the king believed, that as the money would never be paid, so the king of Portugal would not be able to maintain that place against the Moors: so that it would fall in their hands, and by that means prove too important to command the straits. The thing was boldly denied by the ministers, when pressed by the ambassador upon the subject. Lord Dartmouth executed the
594 design as he was ordered: so an end was put to our possessing that place. This was done only to save charge, that the court might hold out the longer without a parliament [k]. So the republic of Genoa, seeing that we would not, and that without us the Dutch could not, undertake their protection, were forced to make a very abject compliment to the king of France; if any thing could be abject, that was necessary to save their country. The doge and some of the senators were sent to Versailles to ask

[k] To make up this imperfect account of the affair relating to Tangier, see Temple's Memoirs. O.

If foreign affairs could have awakened the king, the French did enough this summer in order to it[i]. Besides their possessing themselves of Luxembourg, they sent a fleet against Genoa upon no sort of provocation, but because Genoa would not comply with some demands, that were both unjust and unreasonable: the king of France ordered it to be bombarded, hoping that in that confusion he might by landing a few men have made himself easily master of that state. This would very probably have succeeded, if the attempt had been made upon the first consternation they were in, when the bombardment began. But the thing was delayed a day or two. And by that time the Genoese not only recovered themselves out of their first fright; but putting themselves in order, they were animated with that indignation and fury, that they beat off the French with a courage that was not expected from them. Such an assault, that looked liker the violence of a robber, than the attack of one that would observe forms in his conquests, ought to have provoked all princes, especially such as were powerful at sea, to have joined against a prince, who by these practices was become the common enemy of mankind. But we were now pursuing other designs, from which it was resolved that nothing from beyond sea should divert us. 1684. The bombarding of Genoa. 593

After the king had kept Tangier about twenty years, and had been at a vast charge in making a mole before it, in which several sets of undertakers had failed indeed in the main designs, but had suc- Tangier abandoned.

[i] (The French took care, by their intrigues and money, to prevent a union between the king and his parliaments, and of course any effectual opposition to themselves. Their grants to the king had been brought to light, but their gifts to the parliamentary leaders were only suspected.)

1684. and his revenue was exhausted, so that he could not press so hard upon the Turks, as he might have done with advantage; for they were in great confusion. The king of Poland had married a French wife: and she had a great ascendant over him: and not being able to get her family raised in France, she had turned that king to the emperor's interests. So that he had the glory of raising the siege of Vienna. The French saw their error, and were now ready to purchase her at any rate: so that all the rest of that poor king's inglorious life, after that
595 great action at Vienna, was a perpetual going backwards and forwards between the interests of France and Vienna; which depended entirely upon the secret negotiations of the court of France with his queen, as they came to her terms, or as they did not quite comply with them.

The misunderstanding between the court of Rome and France went on still. The pope declared openly for the house of Austria against the Turk; and made great returns of money into Germany. He engaged the Venetians into the alliance. He found also fault with many of the proceedings in France, with relation to the regale. And now the tables were turned[n]: the Jesuits, who were wont to value themselves on their dependance on the court of Rome, were now wholly in the interests of France: for they resolved to be on the stronger side: and the Jansenists, whom Rome had treated very ill, and who were looked on as the most zealous assertors of the liberties of the Gallican church, were now the men that admired the pope, and de-

[n] Style of a gamester. S.

the king pardon, though it was not easy to tell for what; unless it was, because they presumed to resist his invasion. I happened to be at Paris when the doge was there. One saying of his was much repeated: when all the glory of Versailles was set open to him, and the flatterers of the court were admiring every thing, he seemed to look at them with the coldness that became a person who was at the head of a free commonwealth [l]: and when he was asked, if the things he saw were not very extraordinary, he said, the most extraordinary thing that he saw was, that he saw himself there [m]. 1684.

Affairs beyond sea.

The affairs of Holland were much broken: the prince of Orange and the town of Amsterdam were in very ill terms by the French management, to which Chudleigh, the English envoy, joined his strength, to such a degree of insolence, that he offered personal affronts to the prince; who upon that would see him no more: yet the prince was not considered enough at our court to get Chudleigh to be recalled upon it. The town of Amsterdam went so far, that a motion was made of setting up the prince of Friezeland as their stadtholder: and he was invited to come to their town in order to it. But the prince of Orange prevented this, by coming to a full agreement with that town. So he and his princess were invited thither: and that misunderstanding was removed, or at least laid asleep for that time. The war of Hungary went on with slow success on the emperor's side: he was poor,

[l] Not a free commonwealth. O.

[m] By the laws of Genoa, the doge ceases to be doge, whenever he goes out of the town; but the king of France obliged them to suspend that law upon this occasion. D.

1684. sent an order to Dr. Hascard, then rector of the parish, to discharge me from it. I continued at the Rolls, avoiding very cautiously every thing that related to the public: for I abhorred the making the pulpit a stage for venting of passion, or for the serving of interests. There was a parish in London vacant, where the election lay in the inhabitants: and it was probable it would have fallen on me; though London was in so divided a state, that every thing was managed by the strength of parties. Yet the king, apprehending the choice might have fallen on me, sent a message to them, to let them know, he would take it amiss if they chose me. Old sir Harbotle Grimstone lived still, to the great indignation of the court: when the fifth of November, being gunpowder treason day, came, in which we had always sermons at the chapel of the Rolls, I begged the master of the rolls to excuse me then from preaching; for that day led one to preach against popery, and it was indecent not to do it. He said, he would end his life as he had led it all along, in an open detestation of popery. So, since I saw this could not be avoided, though I had not meddled with any point of popery for above a year together, I resolved, since I did it so seldom, to do it to purpose. I chose for my text these words: *Save me from the lion's mouth, thou hast heard me from the horns of the unicorns.* I made no reflection in my thoughts on the lion and unicorn, as being the two supporters of the king's scutcheon: (for I ever hated all points of that sort, as a profanation of Scriptures[o]:) but I shewed how well popery might

[o] I doubt that. S.

be compared to the lion's mouth, then open to de- 1684.
vour us: and I compared our former deliverance from the extremities of danger to the being on the horn of a rhinoceros. And this leading me to the subject of the day, I mentioned that wish of king James the first against any of his posterity that should endeavour to bring that religion in among us [p]. This was immediately carried to the court. But it only raised more anger against me; for nothing could be made of it. They talked most of the choice of the text, as levelled against the king's coat of arms. That had never been once in my thoughts. Lord keeper North diverted the king from doing any thing on the account of my sermon. And so the matter slept till the end of the term. And then North writ to the master of the rolls, that the king considered the chapel of the rolls as one of 597
his own chapels: and, since he looked on me as a person disaffected to his government, and had for that reason dismissed me from his own service, he therefore required him not to suffer me to serve any longer in that chapel. And thus all my service in the church was now stopped. For upon such a

[p] Sir J. Jekyl told me, that he was present at this sermon: I think it was this: and that when the author had preached out the hour-glass, he took it up and held it aloft in his hand, and then turned it up for another hour, upon which the audience (a very large one for the place) set up almost a shout for joy. I once heard him preach at the Temple church, on the subject of popery, it was on the fast-day for the negotiations of peace at Utrecht. He set forth all the horrors of that religion with such force of speech and action, (for he had much of that in his preaching at all times,) that I have never seen an audience any where so much affected, as we all were who were present at this discourse. He preached then, as he generally did, without notes. He was in his exterior too the finest figure I ever saw in a pulpit. O.

1684. public declaration made against me, it was not fit for any clergyman to make use of my assistance any more. And by these means I was set at liberty by the procurement of my enemies. So that I did not abandon my post, either out of fear, or out of any giddiness to ramble about Europe. But, being now under such public marks of jealousy, and put out of a capacity of serving God and the church in the way of my function, it seemed a prudent and a decent thing for me to withdraw my self from that fury, which I saw was working so strongly, and in so many repeated instances, against me.

These disgraces from the court were the occasion of my going out of England; which both preserved me from what I had reason to apprehend, when the duke, by the change that happened soon after, might have had it in his power to make me feel all that displeasure, which had been growing upon him in a course of so many years against me; and it also put me in a way to do the greatest services I was capable of, both to the interest of religion and of these nations. So that what was intended as a mischief to me proved my preservation. [So gracious has God been to me in a course of many providences, which seemed both to watch over me, and to order every thing relating to me, to be attended with so many favourable circumstances, that what was designed should be my ruin, did put me in a way, both to do and to come to things, that in no other part of my life I could ever have imagined or proposed to my self.] My employment at the Rolls would have fallen in course within a month, if the court had delayed the putting me from it in such an open manner; for that worthy man, sir Harbotle

Grimstone, died about Christmas. Nature sunk all at once, he being then eighty-two: he died as he had lived, with great piety and resignation to the will of God. 1684.

There were two famous trials in Michaelmas term: three women came and deposed against Roswell, a presbyterian preacher, treasonable words that he had delivered at a conventicle. They swore to two or three periods, in which they agreed so exactly together, that there was not the smallest variation in their depositions. Roswell, on the other hand, made a strong defence: he proved, that the witnesses were lewd and infamous persons. He proved, that he had always been a loyal man, even in Cromwell's days; that he prayed constantly for the king in his family, and that in his sermons he often insisted on the obligations to loyalty. And as for that sermon, in which the witnesses swore he delivered those words, he shewed what his text was, 598 which the witnesses could not remember, as they remembered nothing else in his sermon besides the words they had deposed. That text, and his sermon upon it, had no relation to any such matter. Several witnesses who heard the sermon, and some who writ it in short hand, declared, he said no such words, nor any thing to that purpose. He offered his own notes to prove this further: but no regard was had to them. The women could not prove by any circumstance that they were at his meeting; or that any person saw them there on that day. The words they swore against him were so gross, that it was not to be imagined any man in his wits could express himself so, were he ever so wickedly set, before a mixed assembly. It was also urged, that it

Trials for treason of Roswell and Haies.

1684. was highly improbable, that three women could remember so long a period upon one single hearing; and that they should all remember it so exactly, as to agree in the same deposition. He offered to put the whole upon this issue: he would pronounce a period, as long as that which they had sworn, with his usual tone of voice with which he preached, and then leave it to them to repeat it, if they could. I set down all this defence more particularly, that it may appear what a spirit was in that time, when a verdict could be brought in upon such an evidence, and against such a defence. Jefferies urged the matter with his ordinary vehemence: he laid it for a foundation, that all preaching at conventicles was treasonable, and that this ought to dispose the jury to believe any evidence whatsoever upon that head, and that here were three positive concurring witnesses: so the jury brought him in guilty. And there was a shameful rejoicing upon this. It was thought, now conventicles would be all suppressed by it: since any person that would witness that treasonable words were delivered at them would be believed, how improbable soever it might be. But when the importance of the words came to be examined, by men learned in the law, they were found not to be treason by any statute. So Roswell moved for an arrest of judgment, till counsel should be heard to that point, whether the words were treason, or not. In Sidney's case they refused to grant that, unless he would first confess the fact. And, though that was much censured, yet it was more doubtful, whether counsel ought to be heard after the jury had brought in the verdict. But the king was so put out of countenance with the many stories that were

brought him of his witnesses, that the attorney general had orders to yield to the arrest of judgment; though it had been more to the king's honour to have put an end to the business by a pardon [q]. It was thought a good point gained, which might turn to the advantage of the subject, to allow that a point of law might be argued after conviction. The impudence of this verdict was the more shameful, since, though we had a popish successor in view, here was a precedent made, by which positive witnesses, swearing to any thing as said in a sermon, were to be believed against so many probabilities, and so much proof to the contrary; which might have been at another time very fatal to the clergy. 1684. 599

The other trial was of more importance to the court. In Armstrong's pocket, when he was taken, a letter was found writ by Haies, a banker in London, directed to another name, which was believed a feigned one: in it credit was given him upon Haies's correspondent in Holland for money: he was desired not to be too lavish: and he was promised, that he should be supplied as he needed it. Here was an abetting of a man outlawed for treason. Much pains was taken on Haies, both by persuasion and threatening, to induce him to discover that whole cabal of men, that, it seemed, joined in a common purse to supply those who had fled beyond sea on the account of the plot. And they hoped to know all Monmouth's friends; and either to have attainted them, or at least to have fined them severely for it. But Haies shewed a fidelity and courage far beyond what could have been expected

[q] He was pardoned: see the State Trials, vol. iii. p. 1064. O.

1684. from such a man: so he was brought to a trial. He made a strong defence. The letter was not exactly like his hand. It was not addressed to Armstrong, but to another person, from whom he perhaps had it. No entry was made of it in his books, nor of any sum paid in upon it. But his main defence was, that a banker examined into no person's concerns; and therefore, when money or good security was brought him, he gave bills of exchange, or letters of credit, as they were desired. Jefferies pressed the jury, in his impetuous way, to find Haies guilty of high treason; because, though there was not a witness against Haies, but only presumptions appeared upon the proof, yet, Jefferies said, it was proved by two witnesses that the letter was found in Armstrong's pocket; and that was sufficient, the rest appearing by circumstances. The little difference between the writing in the letter and his ordinary hand, was said to be only a feint to hide it, which made him the more guilty. He required the jury to bring
600 him in guilty: and said, that the king's life and safety depended upon this trial: so that if they did it not, they exposed the king to a new Rye-plot; with other extravagancies, with which his fury prompted him. But a jury of merchants could not be wrought up to this pitch. So he was acquitted, which mortified the court a little: for they had reckoned, that now juries were to be only a point of form in a trial, and that they were always to find bills as they were directed.

Strange practices, and very unbecoming a king.

A trial in a matter of blood came on after this. A gentleman of a noble family[r] being at a public sup-

[r] Sir H. St. John of Battersea, now lord viscount St. John. O. Mr. Henry St. Johns, son to sir Walter St. Johns, of Batter-

per with much company, some hot words passed between him and another gentleman, which raised a sudden quarrel, none but three persons being engaged in it. Swords were drawn, and one was killed outright: but it was not certain by whose hand he was killed: so the other two were both indicted upon it[t]. The proof did not carry it beyond manslaughter, no marks of any precedent malice appearing. Yet the young gentleman was prevailed on to confess the indictment, and to let sentence pass on him for murder; a pardon being promised him if he should do so, and he being threatened with the utmost rigour of the law if he stood upon his defence. After the sentence had passed, it appeared on what design he had been practised on. It was a rich family, and not well affected to the court: so he was told that he must pay well for his pardon: and it cost him 16,000*l.* of which the king had the one half, the other half being divided between two ladies that were in great favour. It is a very ill thing for princes to suffer themselves to be prevailed on by importunities to pardon blood, which cries for vengeance. Yet an easiness to importunity is a feebleness of good-nature, and so is in itself less criminal. But it is a monstrous perverting of justice, and a destroying the chief end of government, which is the preservation of the people, when their blood is set to sale: and that not as a compensation to the family of the person murdered, but to the 1684.

sea, and father to Henry St. Johns, viscount Bolingbroke, secretary of state to queen Ann. He was created viscount St. Johns by king George the first, upon his son's being attainted by act of parliament; whose title of Bolingbroke had been entailed upon his father, is the first instance of a title granted to ascend. O.

[t] The story is wrong told. S.

1684. prince himself, and to some who are in favour with him upon unworthy accounts: and it was robbery if the gentleman was innocent.

Another thing of a strange nature happened about this time. The earl of Clancarty in Ireland, when he died, had left his lady the guardian of his children. It was one of the noblest and richest families of the Irish nation, which had always been papists. But the lady was a protestant. And she, being afraid to trust the education of her son to Ireland, though in protestant hands, considering the danger
601 he might be in from his kindred of that religion, brought him over to Oxford, and put him in Fell's hands, who was both bishop of Oxford and dean of Christ church; where she reckoned he would be safe. Lord Clancarty had an uncle, col. Maccarty, who was in most things, where his religion was not concerned, a man of honour. So he, both to pervert his nephew, and to make his own court, got the king to write to the bishop of Oxford to let the young lord come up, and see the diversions of the town in the Christmas time; to which the bishop did too easily consent [u]. When he came to town, he, being then at the age of consent, was married to one of the lord Sunderland's daughters. And so he broke through all his education, and soon after turned papist. Thus the king suffered himself to be made an instrument in one of the greatest of crimes, the taking an infant out of the hand of a guardian, and marrying him secretly; against which the laws of all nations have taken care to provide very effectually. But this leads me into a further view of the designs at court.

[u] (See note below, at p. 695.)

The earl of Rochester grew weary of the insignificant place of president, which procured him neither confidence nor dependance. And, since the government of Ireland was the greatest post next to the treasury, he obtained by the duke's favour to be named lord lieutenant of Ireland. The king seemed to be so uneasy with him, that he was glad to send him away from the court. And the king intended to begin in his person a new method in the government of Ireland. Formerly the lords lieutenants were generals of the army, as well as the governors of the kingdom. Their interests in recommending to posts in the army, and the giving the commissions for them, brought the army into their dependance, and increased the profits of their secretaries. It was now suggested by lord Sunderland, that this was too much in one person: and therefore he proposed, that there should be a general of the army, independent on the lord lieutenant, and who should be a check upon him: when there were but a few troops kept up there, it might be more reasonable to leave them in the lord lieutenant's hands: but now that an army was kept, it seemed too much to put that, as well as the civil administration of the kingdom, into the power of one man. In this the earl of Sunderland's design was, to keep that kingdom in a dependance upon himself. And he told the king, that if he thought that was a good maxim for the government 602
of Ireland, he ought to begin it when a creature of his own was sent thither, who had not such a right to dispute points of that kind with him, as ancient noblemen might pretend to. Lord Rochester was much mortified with this. He said, the chief governor of Ireland could not be answerable for the peace

1684. Papists employed in Ireland.

1684. of that kingdom, if the army was not in a dependance on him. Yet little regard was had to all that he could object to this new method; for the king seemed to be the more pleased with it, because it afflicted him so much. The first instance, in which the king intended to begin the immediate dependance of the Irish army on himself, was not so well chosen, as to make it generally acceptable: for it was, that col. Maccarty was to have a regiment there. He had a regiment in the French service for several years, and was called home upon that appearance that we had put on of engaging with the allies in a war with France in the year 1678. The popish plot had kept the king from employing him for some years, in which the court was in some management with the nation. But now that being at an end, the king intended to employ him, upon this acceptable service he had done with relation to his nephew. The king spoke of it to lord Halifax: and he, as he told me, asked the king, if he thought that was to govern according to law. The king answered, he was not tied up by the laws of Ireland, as he was by the laws of England. Lord Halifax offered to argue that point with any person that asserted it before him: he said, that army was raised by a protestant parliament, to secure the protestant interest: and would the king give occasion to any to say, that where his hands were not bound up, he would shew all the favour he could to the papists? The king answered, he did not trouble himself with what people said, or would say. Lord Halifax replied to this, that it was a just piece of greatness in the king not to mind what his enemies said; but he hoped he would never despise what his friends

said, especially when they seemed to have reason on their side: and he wished the king would choose rather to make up Maccarty's losses for his service in pensions, and other favours, than in a way that would raise so much clamour and jealousy. In all this, lord Halifax only offered his advice to the king, upon the king's beginning the discourse with him. Yet the king told it all to Maccarty: who came and expostulated the matter with that lord. So he saw by that how little safe a man was, who spoke freely to the king, when he crossed the king's own inclinations. 1684. 603

Suspicions of the king's declaring himself a papist.

There was a great expectation in the court of France, that at this time the king would declare himself a papist. They did not keep the secret very carefully there: for the archbishop of Rheims had said to my self, that the king was as much theirs as his brother was, only he had not so much conscience. This I reported to lord Halifax to tell the king. Whether he did it or not, I know not. But it was written over at this time from Paris, that the king of France had said at his levee, or at table, that a great thing would quickly break out in England with relation to religion. The occasion of that was afterwards better known. One of our East-India ships had brought over one of the missionaries of Siam, who was a man of a warm imagination, and who talked of his having converted and baptized many thousands in that kingdom. He was well received at court: and the king diverted himself with hearing him relate the adventures and other passages of his travels. Upon this encouragement he desired a private audience; in which, in a very inflamed speech, and with great vehemence, he pressed

1684. the king to return into the bosom of the church. The king entertained this civilly, and gave him those answers, that he, not knowing the king's way, took them for such steps and indications, as made him conclude the thing was very near done: and upon that he writ to P. de la Chaise, that they would hear the news of the king's conversion very quickly. The confessor carried the news to the king; who, not doubting it, gave the general hint of that great turn, of which he was then full of hopes.

That priest was directed by some to apply himself to lord Halifax, to try if he could convert him. Lord Halifax told me, he was so vain and so weak a man, that none could be converted by him, but such as were weary of their religion, and wanted only a pretence to throw it off. Lord Halifax put many questions to him, to which he made such simple answers, as furnished that lord with many very lively sallies upon the conversions so much boasted of, as made by such men. Lord Halifax asked him, how it came, that, since the king of Siam was so favourable to their religion, they had not converted him? The missionary upon that told him, that the king had said, he would not examine into the truth of all that they had told
604 him concerning Jesus Christ: he thought it was not reasonable to forsake the religion of his fathers, unless he saw good grounds to justify the change: and, since they pretended that the author of their religion had left a power of working miracles with his followers, he desired they would apply that to himself: he had a palsy both in his arm and in his leg: and if they could deliver him from that, he promised to them he would change immediately. Upon which the missionary said, that the bishop, who was the head of

that mission, was bold enough (*assez hardi*, were the priest's own words) to undertake it. A day was set for it. And the bishop, with his priest and some others, came to the king. And after some prayers, the king told them, he felt some heat and motion in his arm; but the palsy was more rooted in his thigh: so he desired the bishop would go on, and finish that which was so happily begun. The bishop thought he had ventured enough, and would engage no further; but told the king, that since their God had made one step towards him, he must make the next to God, and at least meet him half way. But the king was obstinate, and would have the miracle finished, before he would change. On the other hand the bishop stood his ground. And so the matter went no further. Upon which lord Halifax said, since the king was such an infidel, they ought to have prayed the palsy into his arm again, as well as they prayed it out: otherwise, here was a miracle lost on an obstinate infidel: and if the palsy had immediately returned into his arm, that would perhaps have given him a full conviction. This put the missionary into some confusion. And lord Halifax repeated it both to the king and to the duke with that air of contempt, that the duke was highly provoked by it: and the priest appeared at court no more. 1684.

There was at this time a new scheme formed, that very probably would have for ever broken the king and the duke [x]. But how it was laid was so great a secret, that I could never penetrate into it. It was laid at lady Portsmouth's. Barrillon and lord Sun- 1685. A new scheme of government.

[x] See Welwood's Memoirs, p. 144. (168.) O.

1685. derland were the chief managers of it. Lord Godolphin was also in it. The duke of Monmouth came over secretly. And though he did not see the king, yet he went back very well pleased with his journey. But he never told his reason to any that I know of. Mr. May of the privy purse told me, that he was told there was a design to break out, with which he himself would be well pleased[y]: and when it was ripe, he was to be called on to come and manage
605 the king's temper, which no man understood better than he did; for he had been bred about the king ever since he was a child: and by his post he was in the secret of all his amours; but was contrary to his notions in every thing else, both with relation to popery, to France, and to arbitrary government. Yet he was so true to the king in that lewd confidence in which he employed him, that the king had charged him never to press him in any thing so as to provoke him. By this means he kept all this while much at a distance; for he would not enter into any discourse with the king on matters of state, till the king began with him. And he told me, he knew by the king's way things were not yet quite ripe, nor he thoroughly fixed on the design. That with which they were to begin was, the sending the duke to Scotland. And it was generally believed, that if the

[y] The bishop told me this with many more particulars. S. (It is stated, by the duke's own historian, that "lady Portsmouth began to entertain "some thoughts of sending his "highness back to Scotland, "and that, if the king had lived "much longer, it is probable she might have effected "it." *Life of King James II.* vol. i. p. 736. But that the king would have consented to set his brother aside from the succession, after his complete victory over the exclusionists and opposers of his government, is not to be believed, if we consider the king's conduct during those agitations, and the present sentiments of the majority of the nation.)

two brothers should be once parted, they would never meet again. The king spoke to the duke concerning his going to Scotland: and he answered, that there was no occasion for it: upon which the king replied, that either the duke must go, or that he himself would go thither. 1685.

The king was observed to be more than ordinarily pensive. And his fondness to lady Portsmouth increased, and broke out in very indecent instances. The grand prior of France, the duke of Vendome's brother, had made some applications to that lady, with which the king was highly offended. It was said, the king came in on a sudden, and saw that which provoked him: so he commanded him immediately to go out of England[z]. Yet after that, the king caressed her in the view of all people, which he had never done on any occasion, or to any person formerly. The king was observed to be colder and more reserved to the duke than ordinary. But what was under all this was still a deep secret. Lord Halifax was let into no part of it. He still went on against lord Rochester. He complained in council, that there were many razures in the books of the treasury, and that several leaves were cut out of those books: and he moved the king to go to the treasury chamber, that the books might be laid before him, and that he might judge of the matter upon sight. So the king named the next Monday. And it was then expected, that the earl of Rochester would have been turned out of all, if not sent to

[z] (Sir John Reresby in his Memoirs, p. 92 and 95, mentions this intrigue, and in p. 86—92 gives an account of the following dispute between lords Halifax and Rochester respecting the misapplication of forty thousand pounds of the hearth-money, and other mismanagements of the revenue.)

1685. the tower. And a message was sent to Mr. May, then at Windsor, to desire him to come to court
606 that day, which it was expected would prove a critical day. And it proved to be so indeed, though in a different way.

The king's sickness.

All this winter the king looked better than he had done for many years. He had a humour in his leg, which looked like the beginning of the gout: so that for some weeks he could not walk, as he used to do generally three or four hours a day in the park; which he did commonly so fast, that as it was really an exercise to himself, so it was a trouble to all about him to hold up with him. In the state the king was in, he not being able to walk, spent much of his time in his laboratory, and was running a process for the fixing of mercury. On the first of February, being a Sunday, he eat little all day, and came to lady Portsmouth at night, and called for a porringer of spoon meat. It was made too strong for his stomach. So he eat little of it: and he had an unquiet night. In the morning, one Dr. King, a physician, and a chymist, came, as he had been ordered, to wait on him. All the king's discourse to him was so broken, that he could not understand what he meant. And the doctor concluded he was under some great disorder, either in his mind or in his body. The doctor amazed at this, went out, and meeting with lord Peterborough, he said, the king was in a strange humour, for he did not speak one word of sense. Lord Peterborough desired he would go in again to the bedchamber, which he did. And he was scarce come in, when the king, who seemed all the while to be in great confusion, fell down all of a sudden in a fit like an apoplexy: he

looked black, and his eyes turned in his head. The physician, who had been formerly an eminent surgeon, said, it was impossible to save the king's life, if one minute was lost: he would rather venture on the rigour of the law, than leave the king to perish. And so he let him blood. The king came out of that fit: and the physicians approved what Dr. King had done: upon which the privy council ordered him a thousand pound, which yet was never paid him. Though the king came out of that fit, yet the effects of it hung still upon him, so that he was much oppressed. And the physicians did very much apprehend the return of another fit, and that it would carry him off: so they looked on him as a dead man. The bishop of London spoke a little to him, to dispose him to prepare for whatever might be before him; to which the king answered not a word. But that was imputed partly to the bishop's cold way of speaking, and partly to the ill opinion they had of him at court, as too busy in opposition 607
to popery. Sancroft made a very weighty exhortation to him; in which he used a good degree of freedom, which he said was necessary, since he was going to be judged by one who was no respecter of persons. To him the king made no answer neither; nor yet to Ken, though the most in favour with him of all the bishops. Some imputed this to an insensibility; of which too visible an instance appeared, since lady Portsmouth sat in the bed taking care of him as a wife of a husband [a]. Others guessed truer, 1685.

[a] (This ill agrees with lady Portsmouth's words to the French ambassador, when she pressed him to devise means for the reconciliation of the dying king to the Romish church; "I cannot with decency (she "says) enter the room, be-

1685. that it would appear he was of another religion. On Thursday a second fit returned; and then the physicians told the duke, that the king was not like to live a day to an end.

He received the sacraments from a popish priest.

The duke immediately ordered Hudleston, the priest that had a great hand in saving the king at Worcester fight, (for which he was excepted out of all severe acts that were made against priests,) to be brought to the lodgings under the bedchamber. And when he was told what was to be done, he was in great confusion, for he had no hostie about him. But he went to another priest, that lived in the court, who gave him the pix with an hostie in it. But that poor priest was so frighted, that he run out of Whitehall in such haste that he struck against a post, and seemed to be in a fit of madness with fear [b]. As soon as Hudleston had prepared every thing that was necessary, the duke whispered the king in the ear. Upon that the king ordered that

" sides that the queen is al- " most constantly there." See Barillon's letter to the king of France, in the Appendix to Dalrymple's Memoirs, vol. i. p. 95. There exists also the testimony of Bruce, earl of Ailsbury, who was in attendance on the king at that time, opposed to the correctness of this assertion of bishop Burnet, that lady Portsmouth was generally with the king. It is in an extract from the earl's letter to Mr. Leigh of Adlestrop, published in the 27th volume of the European Magazine, p. 22. where his lordship says, "My " good king and master falling " upon me in his fit, I ordered " him to be blooded, and then I " went to fetch the duke of " York, and when we came to " the bed-side, we found the " queen there, and the imposter " says it was the duchess of " Portsmouth." See also note below, at p. 608. From king James's account of his brother's death, it appears that he spoke most tenderly to the queen in his last moments. See Life of James the Second, vol. i. p. 749.)

[b] (Higgons, in his Remarks on this Hist. p. 280, relates that the host, which was given to the king at this time, was fetched from the chapel at Somerset house.)

all who were in the bedchamber should withdraw, 1685.
except the earls of Bath and Feversham [c]: and the door was double locked. The company was kept out half an hour: only lord Feversham opened the door once, and called for a glass of water. Cardinal Howard told me at Rome, that Hudleston, according to the relation that he sent thither, made the king go through some acts of contrition, and, after such a confession as he could then make, he gave him absolution and the other sacraments. The hostie stuck in his throat: and that was the occasion of calling for a glass of water. He also gave him extreme unction. All must have been performed very superficially, since it was so soon ended. But the king seemed to be at great ease upon it. It was given out, that the king said to Hudleston, that he had saved him twice, first his body, and now his soul; and that he asked him, if he would have him declare himself to be of their church. But it seems he was prepared for this, and so diverted the king from it; and said, he took it upon him to satisfy the world in that particular. But though by the principles of all religions whatsoever, he ought to have obliged him to make open profession of his 608
religion, yet, it seems, the consequences of that were apprehended; for without doubt that poor priest acted by the directions that were given him. The company was suffered to come in. And the king

[c] ("The king commanded "all to retire out of the room, "telling them, that he had "something to communicate "to his brother." Aprice a Romish priest's letter, published in Harris's Life of Charles II. vol. ii. p. 391. Macpherson says, from a MS. in his possession, that the persons present besides the duke were the earl of Bath, and Trevannion a captain in the guards. Hist. of Great Britain, vol. i. p. 421.)

1685. went through the agonies of death with a calm and a constancy, that amazed all who were about him, and knew how he had lived. This made some conclude, that he had made a will, and that his quiet was the effect of that. Ken applied himself much to the awaking the king's conscience. He spoke with a great elevation, both of thought and expression, like a man inspired, as those who were present told me. He resumed the matter often, and pronounced many short ejaculations and prayers, which affected all that were present, except him that was the most concerned, who seemed to take no notice of him, and made no answers to him. He pressed the king six or seven times to receive the sacrament. But the king always declined it, saying he was very weak. A table with the elements upon it ready to be consecrated was brought into the room; which occasioned a report to be then spread about, that he had received it. Ken pressed him to declare that he desired it, and that he died in the communion of the church of England. To that he answered nothing. Ken asked him if he desired absolution of his sins. It seems the king, if he then thought any thing at all, thought that would do him no hurt. So Ken pronounced it over him: for which he was blamed, since the king expressed no sense or sorrow for his past life, nor any purpose of amendment. It was thought to be a prostitution of the peace of the church, to give it to one, who, after a life led as the king's had been, seemed to harden himself against every thing that could be said to him [d]. Ken was also censured for another piece of

[d] (The account given by king James is this: "On the fourth "day he grew so much worse, "that all those hopes vanished,

indecency: he presented the duke of Richmond, 1685.
lady Portsmouth's son, to be blessed by the king[e]. Upon this, some that were in the room cried out, the king was their common father. And upon that all kneeled down for his blessing, which he gave them. The king suffered much inwardly, and said, he was burnt up within; of which he complained often, but with great decency. He said once, he hoped he should climb up to heaven's gates; which was the only word savouring of religion that he was heard to speak[f].

He gathered all his strength to speak his last words to the duke, to which every one hearkened

" and the doctors declared they " absolutely despaired of his " life, which made it high time " to think of preparing for the " other world; accordingly two " bishops came to do their " function, who, reading the " prayers appointed in the com- " mon prayer book on that oc- " casion, when they came to " the place where usually they " exhort the sick person to " make a confession of his sins, " the bishop of Bath and Wells, " who was one of them, adver- " tised him, it was not of obli- " gation; so after a short ex- " hortation asked him if he " was sorry for his sins? which " the king saying he was, the " bishop pronounced absolu- " tion; and then asked him if " he pleased to receive the sa- " crament? To which he made " no reply; and being pressed " by the bishop several times, " gave no other answer than " that it was time enough, or " that he would think of it." He goes on to say, that Charles after this consented that a priest should be sent for. See the Life of King James II. vol. i. p. 746.)

[e] (" When the duchess of " Portsmouth herself came into " the room, the bishop pre- " vailed with his majesty to " have her removed, and took " that occasion of representing " the injury and injustice done " to his queen so effectually, " that the king was induced to " send for her, and asking par- " don, had the satisfaction of " her forgiveness before he " died." Account of bishop Ken's Life by a relation, p. 12.)

[f] (From king James's account before cited, it appears that he shewed great contrition " for the sins of his past life, " and *particularly for having* " *differred his conversion so* " *long*," before he received the sacrament from Huddleston's hands, after which the company was called in.)

1685. with great attention. He expressed his kindness to him, and that he now delivered all over to him with
609 great joy. He recommended lady Portsmouth over and over again to him. He said, he had always loved her, and he loved her now to the last; and besought the duke, in as melting words as he could fetch out, to be very kind to her and to her son. He recommended his other children to him: and concluded, Let not poor Nelly starve; that was Mrs. Gwyn. But he said nothing of the queen, nor any one word of his people, or of his servants: nor did he speak one word of religion, or concerning the payment of his debts, though he left behind him about 90,000 guineas, which he had gathered, either out of the privy purse, or out of the money which was sent him from France, or by other methods, and which he had kept so secretly, that no person whatsoever knew any thing of it [g].

His death. He continued in the agony till Friday at eleven o'clock, being the sixth of February 168$\frac{4}{5}$; and then died in the fifty-fourth year of his age, after he had reigned, if we reckon from his father's death, thirty-six years, and eight days; or, if we reckon from his restoration, twenty-four years, eight months, and nine days. There were many very apparent suspicions of his being poisoned: for though the first access looked like an apoplexy, yet it was plain in the progress of it that it was no apoplexy. When his body was opened, the physicians who viewed it were, as it were, led by those who might suspect the truth to look upon the parts that were certainly

[g] I heard Will. Chiffens, who was his closet keeper, say that it was kept for his buildings at Winchester, which he was very fond of at that time. D.

sound. But both Lower and Needham, two famous physicians, told me, they plainly discerned two or three blue spots on the outside of the stomach. Needham called twice to have it opened: but the surgeons seemed not to hear him. And when he moved it the second time, he, as he told me, heard Lower say to one that stood next him, Needham will undo us, calling thus to have the stomach opened, for he may see they will not do it. They were diverted to look to somewhat else: and when they returned to look upon the stomach, it was carried away: so that it was never viewed. Le Fevre, a French physician, told me, he saw a blackness in the shoulder: upon which he made an incision, and saw it was all mortified. Short, another physician, who was a papist, but after a form of his own, did very much suspect foul dealing [h]: and he had talked more freely of it, than any of the protestants durst do at that time. But he was not long after taken suddenly ill, upon a large draught of wormwood wine which he had drunk in the house of a popish patient, that lived near the tower, who had sent for him, of which he died. And, as he said to Lower, Millington, and some other physicians, he believed that he himself was poisoned for his having spoken so freely of the king's death [i]. The king's body was indecently neglected. Some parts of his in- 1685. 610

[h] One physician told me this from Short himself. S.

[i] (This account is confirmed by Sheffield duke of Buckinghamshire, in his Character of Charles II. where he observes, that the most knowing and most deserving of all his physicians did not only believe him poisoned, but thought himself so too not long after, for having declared his opinion a little too boldly. Duke of Buckingham's Works, vol. ii. p. 65. See also Welwood's Memoirs, p. 145.)

1685. wards, and some pieces of the fat, were left in the water in which they were washed: all which were so carelessly looked after, that the water being poured out at a scullery hole that went to a drain, in the mouth of which a grate lay, these were seen lying on the grate many days after. His funeral was very mean. He did not lie in state: no mournings were given: and the expence of it was not equal to what an ordinary nobleman's funeral will rise to. Many upon this said, that he deserved better from his brother, than to be thus ungratefully treated in ceremonies that are public, and that make an impression on those who see them, and who will make severe observations and inferences upon such omissions. But since I have mentioned the suspicions of poison as the cause of his death, I must add, that I never heard any lay those suspicions on his brother. But his dying so critically, as it were in the minute in which he seemed to begin a turn of affairs, made it to be generally the more believed, and that the papists had done it, either by the means of some of lady Portsmouth's servants, or, as some fancied, by poisoned snuff; for so many of the small veins of the brain were burst, that the brain was in great disorder, and no judgment could be made concerning it. To this I shall add a very surprising story [k], that I had in November 1709, from Mr. Henly of Hampshire. He told me, that when the duchess of Portsmouth came over to England in the year 1699, he heard, that she had talked as if king Charles had been poisoned; which he desiring to have from her own mouth, she gave him this ac-

[k] N. B. This is added to the original in a loose sheet. (Note by the original editors.)

count of it. She was always pressing the king to make both himself and his people easy, and to come to a full agreement with his parliament: and he was come to a final resolution of sending away his brother, and of calling a parliament; which was to be executed the next day after he fell into that fit of which he died. She was put upon the secret, and spoke of it to no person alive, but to her confessor: but the confessor, she believed, told it to some, who, seeing what was to follow, took that wicked course to prevent it. Having this from so worthy[1] a per- 1685.

[1] This worthy person was a professed atheist, a zealous republican, and a most obsequious follower of the earl of Sunderland in all his notions as well as vices. The character of the lady was well known, who might think it proper to publish something she thought would be agreeable in order to obtain the ends she came over for, which at that time was understood not to be much for the advantage of the nation: therefore was soon despatched (sent away) by the procurement of her old friend the earl of Sunderland. D. I wonder Mr. Henly never told me this story. S. Father of the present (1759) lord keeper; he was a person of considerable fashion and fortune, of great parts and genius, and lived much with the best men of that sort. He was deemed a man of honour, and very firm to his principles and party. Garth dedicated his famous poem called the Dispensary to him, and it was he who moved in the house of commons for the address to the queen to promote Hoadly (now bishop of Winton) to some dignity in the church, on account of his writings in defence of liberty and the protestant religion. It was done at the time of the impeachment of Sacheverel. O. I have heard the late duke of Richmond say, that his grandmother the duchess of Portsmouth has said the same thing to him, but there seem (either *seems* or *seemed*) no foundation for it. H. (Earl of Hardwicke.) (Mr. Fox, in his History of the reign of James the Second, has the following passage: "His "death was by many supposed "to have been the effect of "poison; but although there "is reason to believe that this "suspicion was harboured by "persons very near to him, "and among others by the "duchess of Portsmouth, it ap- "pears upon the whole to rest "upon very slender founda- "tions." p. 67. where this note is subjoined by lord Holland his nephew; "Mr. Fox had "this report from the family

1685. son, as I have set it down without adding the least circumstance to it, I thought it too important not to be mentioned in this history. It discovers both the knavery of confessors, and the practices of papists, so evidently, that there is no need of making any further reflections on it.

His character.

611 Thus lived and died king Charles the second. He was the greatest instance in history of the various revolutions of which any one man seemed capable. He was bred up, the first twelve years of his life, with the splendor that became the heir of so great

" of his mother, great-grand-
" daughter to the duchess of
" Portsmouth." That a suspicion therefore was actually expressed by this lady, is confirmed by the testimony of Mr. Fox, and now by the earl of Hardwicke, in his note on the bishop's work; and the contrary notion of her not having done so by no means established by the extract from lord Lansdown's works, brought forward by Mr. Rose in the Appendix to his Observations on Mr. Fox's historical work, p. lviii. " His lordship (bi-
" shop Burnet) had it from
" Mr. Henley, who had it from
" the duchess of Portsmouth,
" that king Charles the second
" was poisoned. It was my
" fortune to be residing in
" Paris when this history was
" published. Such a parti-
" cular was too remarkable
" not to raise my curiosity:
" the duchess was then at
" Paris: I employed a person
" who had the honour to be in-
" timate with her grace, to in-
" quire from her own mouth
" into the truth of this pas-
" sage: her reply was this:
" 'That she recollected no ac-
" quaintance with Mr. Henley,
" but she remembered well
" doctor Burnet and his cha-
" racter:'" *viz.* that the king and the duke, and the whole court, had no opinion of his veracity: where it is to be remarked, that the duchess does not declare her own opinion on the subject in her answer to the inquiry. Besides, as it is well observed by serjeant Heywood, in his Vindication of Mr. Fox, Appendix, p. 1. the temper of mind in which the duchess received this inquiry, naturally leads to a suspicion, that she was displeased at Mr. Henley for having betrayed her confidence, especially as it is probable, that she was satisfied in her own mind of the truth of the fact she had been represented to have related. See also Harris's Life of Charles II. vol. ii. p. 380.)

a crown. After that he passed through eighteen years in great inequalities, unhappy in the war, in the loss of his father, and of the crown of England. Scotland did not only receive him, though upon terms hard of digestion, but made an attempt upon England for him, though a feeble one. He lost the battle of Worcester with too much indifference: and then he shewed more care of his person than became one who had so much at stake[m]. He wandered about England for ten weeks after that, hiding from place to place. But, under all the apprehensions he had then upon him, he shewed a temper so careless, and so much turned to levity, that he was then diverting himself with little household sports, in as unconcerned a manner as if he had made no loss, and had been in no danger at all[n]. He got at last out of England. But he had been obliged to so many, who had been faithful to him, and careful of him, that he seemed afterwards to resolve to make an equal return to them all: and finding it

1685. His character.

[m] ("If he means too much "care of his person in the ac- "tion, the reflection is false, "and if in the flight, stupid. "The behaviour of the young "king, on this occasion, was "so distinguished, as to extort "the praise of an enemy not "over generous. He led on "his foot in person, and made "no small impression on Crom- "well's firmest battalions. On "this occasion he had no less "than two, if not three horses "killed under him." *Higgons's Remarks on this Hist.* p. 285.)

[n] This might admit a more favourable turn. S. Where does this appear? O. How shewing more care of his person than became him, is to be reconciled to a thoughtless unconcernedness in the utmost danger, I am at a loss to find out; but there are so many contradictions and inconsistencies in this elaborate malicious character of king Charles the second, that whoever reads it, will soon find there is more of a disappointed churchman's revenge, than truth, in the whole composition. That the king had many faults and infirmities, is true, and who is without? But that he had many great perfections and good qualities, is as true. D.

1685. not easy to reward them all as they deserved, he forgot them all alike. Most princes seem to have this pretty deep in them; and to think that they ought never to remember past services, but that their acceptance of them is a full reward. He, of all in our age, exerted this piece of prerogative in the amplest manner: for he never seemed to charge his memory, or to trouble his thoughts, with the sense of any of the services that had been done him.

While he was abroad at Paris, Colen, or Brussels, he never seemed to lay any thing to heart. He pursued all his diversions and irregular pleasures in a free career; and seemed to be as serene under the loss of a crown, as the greatest philosopher could have been. Nor did he willingly hearken to any of those projects, with which he often complained that his chancellor persecuted him. That in which he seemed most concerned was, to find money for supporting his expense. And it was often said, that, if Cromwell would have compounded the matter, and have given him a good round pension, that he might have been induced to resign his title to him. During his exile, he delivered himself so entirely to his pleasures, that he became incapable of application. He spent little of his time in reading or study, and yet less in thinking. And, in the state his affairs were then in, he accustomed himself to say to every
612 person, and upon all occasions, that which he thought would please most: so that words or promises went very easily from him. And he had so ill an opinion of mankind, that he thought the great art of living and governing was, to manage all things and all persons with a depth of craft and dissimulation. And in that few men in the world could put on the ap-

pearances of sincerity better than he could: under which so much artifice was usually hid, that in conclusion he could deceive none, for all were become mistrustful of him. He had great vices, but scarce any virtues to correct them: he had in him some vices that were less hurtful, which corrected his more hurtful ones. He was during the active part of life given up to sloth and lewdness to such a degree, that he hated business, and could not bear the engaging in any thing that gave him much trouble, or put him under any constraint. And, though he desired to become absolute, and to overturn both our religion and our laws, yet he would neither run the risk, nor give himself the trouble, which so great a design required. He had an appearance of gentleness in his outward deportment: but he seemed to have no bowels nor tenderness in his nature: and in the end of his life he became cruel. He was apt to forgive all crimes, even blood itself: yet he never forgave any thing that was done against himself, after his first and general act of indemnity, which was to be reckoned as done rather upon maxims of state than inclinations of mercy. He delivered himself up to a most enormous course of vice, without any sort of restraint, even from the consideration of the nearest relations°: the most studied extravagancies that way seemed, to the very last, to be much delighted in and pursued by him. He had the art of making all people grow fond of him at first, by a softness in his whole way of conversation, as he was certainly the best bred man of the age. But when it 1685.

° Alluding to what was said of some gallantries, when he met his sister, the duchess of Orleans, at Dover, p. 301. O. (But see a note on that place.)

1685. appeared how little could be built on his promise, they were cured of the fondness that he was apt to raise in them. When he saw young men of quality, who had something more than ordinary in them, he drew them about him, and set himself to corrupt them both in religion and morality; in which he proved so unhappily successful, that he left England much changed at his death from what he had found it at his restoration. He loved to talk over all the stories of his life to every new man that came about him. His stay in Scotland, and the share he had in the war of Paris, in carrying messages from the one side to the other, were his common topics. He went over these in a very graceful manner; but so often,
613 and so copiously, that all those who had been long accustomed to them grew weary of them: and when he entered on those stories they usually withdrew: so that he often began them in a full audience, and before he had done, there were not above four or five left about him: which drew a severe jest from Wilmot, earl of Rochester. He said, he wondered to see a man have so good a memory as to repeat the same story without losing the least circumstance, and yet not remember that he had told it to the same persons the very day before. This made him fond of strangers; for they hearkened to all his often repeated stories, and went away as in a rapture at such an uncommon condescension in a king.

His person and temper, his vices as well as his fortunes, resemble the character that we have given us of Tiberius so much, that it were easy to draw the parallel between them[p]. Tiberius's banishment,

[p] Malicious, and in many circumstances false. S.

and his coming afterwards to reign, makes the comparison in that respect come pretty near. His hating of business, and his love of pleasures; his raising of favourites, and trusting them entirely; and his pulling them down, and hating them excessively; his art of covering deep designs, particularly of revenge, with an appearance of softness, brings them so near a likeness, that I did not wonder much to observe the resemblance of their face and person. At Rome I saw one of the last statues made for Tiberius, after he had lost his teeth. But, bating the alteration which that made, it was so like king Charles, that prince Borghese, and signior Dominico, to whom it belonged, did agree with me in thinking that it looked like a statue made for him [q]. 1685.

Few things ever went near his heart. The duke of Glocester's death seemed to touch him much. But those who knew him best thought it was, because he had lost him by whom only he could have balanced the surviving brother, whom he hated, and yet embroiled all his affairs to preserve the succession to him.

His ill conduct in the first Dutch war, and those terrible calamities of the plague and fire of London, with that loss and reproach which he suffered by

[q] (Sheffield duke of Bucks, who was brought up in his court, says of the king, that he was an illustrious exception to all the common rules of physiognomy; for with a most saturnine harsh sort of countenance, he was both of a merry and merciful disposition. Works, vol. ii. p. 64. See also Welwood's Memoirs, p. 149. And although Mr. Fox thinks the bishop perfectly justifiable in refusing to Charles the praise of clemency and forgiveness, yet he supposes that the propriety of Burnet's comparison between him and Tiberius was never felt by any one but its author. Hist. of the early Part of the Reign of James II. p. 68, 69. See also Hume, at the conclusion of his Reign of Charles II.)

1685. the insult at Chatham, made all people conclude there was a curse upon his government. His throwing the public hatred at that time upon lord Clarendon was both unjust and ungrateful. And when his people had brought him out of all his difficulties upon his entering into the triple alliance, his selling that to France, and his entering on the second Dutch war with as little colour as he had for the first; his beginning it with the attempt on the
614 Dutch Smyrna fleet; the shutting up the exchequer; and his declaration for toleration, which was a step for the introduction of popery; make such a chain of black actions, flowing from blacker designs, that it amazed those who had known all this, to see with what impudent strains of flattery addresses were penned during his life, and yet more grossly after his death. His contributing so much to the raising the greatness of France, chiefly at sea, was such an error, that it could not flow from want of thought, or of true sense. Rouvigny told me, he desired that all the methods the French took in the increase and conduct of their naval force might be sent him. And, he said, he seemed to study them with concern and zeal. He shewed what errors they committed, and how they ought to be corrected, as if he had been a viceroy to France, rather than a king that ought to have watched over and prevented the progress they made, as the greatest of all the mischiefs that could happen to him or to his people. They that judged the most favourably of this, thought it was done out of revenge to the Dutch, that, with the assistance of so great a fleet as France could join to his own, he might be able to destroy them. But others put a worse construction

on it; and thought, that seeing he could not quite master or deceive his subjects by his own strength and management, he was willing to help forward the greatness of the French at sea, that by their assistance he might more certainly subdue his own people; according to what was generally believed to have fallen from lord Clifford, that, if the king must be in a dependance, it was better to pay it to a great and generous king, than to five hundred of his own insolent subjects. 1685.

No part of his character looked wickeder, as well as meaner, than that he, all the while that he was professing to be of the church of England, expressing both zeal and affection to it, was yet secretly reconciled to the church of Rome: thus, mocking God and deceiving the world with so gross a prevarication. And his not having the honesty or courage to own it at the last: his not shewing any sign of the least remorse for his ill led life, or any tenderness either for his subjects in general, or for the queen and his servants: and his recommending only his mistresses and their children to his brother's care, would have been a strange conclusion to any other's life, but was well enough suited to all the other parts of his.

The two papers found in his strong box concerning religion, and afterwards published by his brother, looked like study and reasoning. Tennison told me, he saw the original in Pepy's hand, to whom king James trusted them for some time. They were interlined in several places. And the 615
interlinings seemed to be writ in a hand different from that in which the papers were writ. But he was not so well acquainted with the king's hand, as

1685. to make any judgment in the matter, whether they were writ by him or not. All that knew him, when they read them, did without any sort of doubting conclude, that he never composed them: for he never read the Scriptures, nor laid things together, further than to turn them to a jest, or for some lively expression. These papers were probably writ either by lord Bristol, or by lord Aubigny, who knew the secret of his religion, and gave him those papers, as abstracts of some discourses they had with him on those heads, to keep him fixed to them. And it is very probable that they, apprehending their danger if any such papers had been found about him writ in their hand, might prevail with him to copy them out himself, though his laziness that way made it certainly no easy thing to bring him to give himself so much trouble. He had talked over a great part of them to my self: so that, as soon as I saw them, I remembered his expressions, and perceived that he had made himself master of the argument, as far as those papers could carry him. But the publishing them shewed a want of judgment, or of regard to his memory, in those who did it: for the greatest kindness that could be shewn to his memory would have been, to let both his papers and himself be forgotten [r].

[r] ("The papers found by his "brother in his strong box, "and which that misguided "prince published soon after, "furnish no evidence of a "change in his faith. They "were not of his hand writing. "They were known to have "been delivered to him at the "instance of some Roman catholics by a lord Blessington, "who, as an object of ridicule, "had access to his person from "his being the author of a foolish play. He had produced "the papers frequently to some "of his courtiers, to excite "laughter, by exposing with

Which I should certainly have done, if I had not thought that the laying open of what I knew concerning him and his affairs might be of some use to posterity. And therefore, how ungrateful soever this labour has proved to my self, and how unacceptable soever it may be to some, who are either obliged to remember him gratefully, or by the engagement of parties and interests are under other biasses, yet I have gone through all that I knew relating to his life and reign with that regard to truth, and what I think may be instructive to mankind, which became an impartial writer of history, and one who believes that he must give an account to God of what he writes, as well as of what he says and does[s]. 1685.

" poignant satire and wit the " absurd positions which they " contained. The duke of York " was no stranger to this cir- " cumstance, yet he conveyed to " the world the papers, as con- " taining the sentiments of the " king upon the subject of reli- " gion. He had certainly ex- " pressed frequently to the duke " his predilection for the Rom- " ish faith." *Macpherson in his Hist. of Great Britain*, vol. i. p. 422. citing MS. Anecdotes in his possession.)

[s] He was certainly a very bad prince, but not to the degree described in this character, which is poorly drawn, and mingled with malice very unworthy an historian, and the style abominable, as in the whole history, and the observations trite and vulgar. S.

END OF KING CHARLES THE SECOND'S REIGN.

A

TABLE OF THE CONTENTS

OF THE FOREGOING

VOLUME[a].

BOOK III.

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

1673.

GREAT jealousies of the king 344
Schomberg brought to command the army 345
The court was much divided 346
A session of parliament ibid.
The declaration was voted illegal ibid.
A bill for a new test 347
The prudence of the dissenters ibid.
Debates in the house of lords 348
The variety of opinions in the king's council 349
The French advise the king to yield to the parliament ibid.
The king went into that suddenly ibid.
Clifford disgraced 350
Osborn made lord treasurer ibid.
A great supply was given 351
The duke laid down all his commissions 352
The duke treats for a second marriage ibid.
A treaty opened at Cologn 353
Lord Sunderland's character 354
The treaty broke off ibid.
The affairs of Scotland ibid.
Lauderdale's design 355
The king liked my memoirs 356
And shewed me great favour ibid.
My conversation with the duke 357
I carried Dr. Stillingfleet to him 358
The duke's marriage opposed by the commons 360
A parliament in Scotland 362
A party formed against Lauderdale 363
He offers to redress grievances in council 364

[a] (*The pages referred to are those of the folio edition, which are inserted in the margin of the present.*)

1674.
A dispute raised about the lords of the articles 364
The proceedings in the parliament of England ibid.
Finch's character 365
A peace concluded with the States 366
The king became the mediator of the peace 367
The duchess's character 368
Coleman's character ibid.
The affairs of Scotland 369
The parliament was prorogued ibid.
Dalrimple's character ibid.
The clergy was much provoked ibid.
A great distraction in Scotland 370
Lauderdale's proceedings there 371
I was disgraced ibid.
The ministers turn to the church party 373
Correspondence with Holland discovered 374
Jealousies of the prince of Orange 375
Drummond was ordered to prison ibid.
The battle of Seneff 376
Arlington went to Holland 377
Temple sent ambassador to Holland ibid.
1675.
Affairs in England 378
I was examined by the house of commons 379
Sir Harbottle Grimstone's character 380
Danby attacked, but in vain 382
Seimour's character ibid.
Debates concerning a test 383
A dispute about appeals and privileges 385
The session broke upon it ibid.
A session of parliament 386
The characters of some parliament men 387
1676.
A long interval between the sessions of parliament 389
An account of some passages of Lockhart's courage in France 390
Management in France 391
The character of some bishops 392
The projects of the papists 393
Coleman's intrigues 394
A conference between Coleman and some divines 395
I undertook to write the history of our reformation 396
The earl of Essex's character ibid.
His employment in Denmark 397
And his government of Ireland ibid.
The affairs of Scotland 399
1677.
A question raised in England about the legality of a prorogation 401
The lords that moved it sent to the tower 402
Proceedings in parliament 403
Affairs in Flanders ibid.
The French king declined a battle when offered by the prince of Orange 404
Cambray and St. Omer taken 406
The house of commons pressed the king to engage in the war ibid.
Danby declared against France 407
The prince of Orange came into England 408
He married the duke's daughter 410
1678.
Supplies given towards the war 412
The French take Ghent ibid.

The affairs of Scotland 412
Mitchell's trial 413
And condemnation 415
The administration there grew very violent and illegal 417
An army of Highlanders sent to the west upon free quarter 418
Many of the nobility came up to complain to the king 419
But the king would not see them ibid.
A convention of estates gives money, and justifies the administration 421
Affairs in England ibid.
The house of commons grew jealous of the court ibid.
Affairs abroad 422
The popish plot 424
Oates's character ibid.
His discovery 426
Coleman and his papers seized ibid.
Coleman's letters confirm it 427
Godfrey is murdered 428
His body was found 429
Oates made a new discovery 430
Bedlow's evidence 431
Other proofs that seemed to support the discovery 432
Carstairs's practices 433
Staley's trial ibid.
The queen was charged as in the plot 435
A law passed for the test to be taken by both houses ibid.
With a proviso for the duke 436
Coleman's trial ibid.
And execution 437
The king's thoughts of this whole matter ibid.
Danby's letters to Mountague are brought out 439
And he was impeached of high treason 441
The parliament was prorogued 442
The trial of F. Ireland and some others 443
Dugdale's evidence 444
Prance discovers Godfrey's murder 445
Some condemned for it, who died denying it 446
Scroggs was then lord chief justice 448
Jennison's evidence ibid.
Practices with the witnesses discovered 449
Reflections upon the whole evidence 451

1679.

A new parliament ibid.
The duke sent beyond sea 452
Danby pardoned by the king, but prosecuted by the house of commons 453
A new council 454
Debates concerning the exclusion 455
Arguments used for and against the exclusion 457
Danby's prosecution 460
A great heat raised against the clergy 461
The occasions that fomented that heat ibid.
Arguments for and against the bishops voting in the preliminaries, in trials of treason 462
Stillingfleet wrote on this point 463
The trial of five Jesuits 464
Langhorn's trial 465
And death 466
Wakeman's trial 467
He was acquitted 468
Debates about dissolving the parliament ibid.
The affairs of Scotland 469
The archbishop of St. Andrew's is murdered 470
A rebellion in Scotland 471
Monmouth sent down to suppress it 472
They were soon broken 473
The king taken ill, and the

duke comes to court 474
The many false stories spread to raise jealousy ibid.
A pretended plot discovered, called the meal-tub plot 475
Great jealousies of the king 476
Monmouth's disgrace 477
Petitions for a parliament ibid.
Great discontents on all sides 478
Godolphin's character ibid.
1680.
An alliance projected against France 479
The election of the sheriffs of London ibid.
The bill of exclusion taken up again 481
Passed by the commons 482
But rejected by the lords ibid.
The house of commons proceeded against some with severity 484
An association proposed 485
Expedients offered in the house of lords 486
Duchess of Portsmouth's conduct in this matter little understood ibid.
Stafford's trial 488
He was condemned 492
He sent for me, and employed me to do him service ibid.
His execution 494
1681.
Motions in favour of the nonconformists ibid.
The parliament was dissolved 495
A new expedient of a prince regent 496
Fitzharris was taken 497
The parliament of Oxford was soon dissolved 498
A great change in affairs 499
The king's declaration 500
Addresses to the king from all parts of England ibid.
Fitzharris's trial 501
Plunket, an Irish bishop, condemned and executed 502
Practices on Fitzharris at his death 504
A protestant plot ibid.
Colledge condemned, and died upon it 505
Shaftsbury sent to the tower 506
Practices upon witnesses ibid.
I was then offered preferment 507
Halifax carried me to the king 508
Shaftsbury was acquitted by the grand jury ibid.
1682.
Turbervill's death 509
The affairs of Scotland 510
A parliament in Scotland 512
Several accusations of perjury stifled by the duke 514
A test enacted in parliament 515
Objections made to the test 518
Many turned out for not taking it 519
Argile's explanation ibid.
He was committed upon it 520
Argile is tried and condemned 521
He made his escape 522
The duke comes to court 523
A new ministry in Scotland ibid.
They proceeded with great severity 524
Affairs in England 527
All charters of towns were surrendered to the king ibid.
The dispute concerning the sheriffs of London 528
Carried by the court 530
Changes in the ministry, and quarrels among them 531
The arguments for and against the charter of London 533
Judgment given in the matter 535
Some other severe judgments ibid.
1683.
All people possessed with great fears 536

Monmouth and Russel at Shepherd's 537
Monmouth and some others meet often together 538
They treat with some of the Scotish nation 539
Other conspirators meet at the same time on designs of assassinating the king 542
A plot is discovered 544
A forged story laid by Rumsey and West ibid.
Russel and some others were put in prison upon it 547
Monmouth and others escaped 549
Howard's confession 551
The earl of Essex was sent to the tower 552
The lord Russel's trial 553
He was condemned 556
His preparation for death 557
The trial and execution of Walcot and others 558
Russel's execution 560
Russel's last speech 561
Prince George of Denmark married the princess Anne 562
The siege of Vienna 563
The author went to the court of France 564
Characters of some he knew there ibid.
Affairs in England 567
Jefferies and other judges preferred ibid.

1684.

The calling a parliament proposed, but rejected 568
Suspicions of Essex's being murdered 569
Sidney's trial 570
His execution and last paper 573
Monmouth came in, and was pardoned ibid.
But soon after disgraced 575
Hambden's trial 576
Halloway's execution ibid.
Armstrong's death 577
Great severity in Scotland 580
A breach in the ministry there 581
The duke governed all affairs 582
The cruelty of the duke, and of his ministers, in torturing 583
Proceedings against Baillie 585
And his execution 587
Leightoun's death 588
The promotion of some bishops 589
Danby and the popish lords bailed 591
Some removes made at court 592
The bombarding of Genoa ibid.
Tangier abandoned 593
Affairs beyond sea 594
The hardships the author met with 595
Trials for treason of Roswell and Haies 597
Strange practices, and very unbecoming a king 600
Papists employed in Ireland 601
Suspicions of the king's declaring himself a papist 603

1685.

A new scheme of government 604
The king's sickness 606
He received the sacraments from a popish priest 607
His death 609
His character 611