

signing petitions.\* The Corporation Act went much farther than justly attempting to restore the executive power to its due authority in the state. Mingling the political and religious principles of coercion, it required that all persons elected to corporate offices should have received the sacrament, according to the rites of the English Church, within one year before their election; and it required an oath from such officers that they believed it unlawful, on any pretence whatever, to take arms against the king; and required them to abjure the traitorous position of taking arms by the king's authority against himself or his officers.† In the municipal boroughs the supporters of the contest against Charles I. had been principally found—men equally resolved in their love of civil liberty and their hatred of prelacy. The Corporation Act put as strong a restraint upon them as an oath could effect. The restoration of the bishops to the House of Lords was accomplished without any opposition by this Parliament, in which the Presbyterians had lost all influence. The crowning measure of ecclesiastical polity was the Act of Uniformity.‡ By this Statute it was required that all the beneficed clergy, all fellows of colleges, and all schoolmasters, should declare their unfeigned assent and consent to all and everything contained in the Book of Common Prayer, as amended in Convocation and approved by the king. By another clause in this Act, episcopal ordination was required of all persons holding ecclesiastical preferments. Those of the clergy who, previous to the Feast of St. Bartholomew, 1662, had not declared their acceptance of the Book of Common Prayer, in the terms of the Statute, were to be absolutely ejected from their livings. On that day more than two thousand ministers of religion went forth into the world without any provision for their future support. They had received a striking example of conscientious integrity in the refusal of the episcopal clergy to take the Covenant in 1643.§ In that revolutionary crisis the ejected incumbents had not been wholly unprovided for; one-fifth of the income of the new incumbents having been allotted to them. Such a merciful consideration for men of piety and learning—and most of the Puritan clergy were zealous in their callings and pure in their lives—was not granted by this revengeful Parliament. Measures of absolute persecution against the ejected ministers were subsequently enacted—measures which, in their application to all non-conformity, it required a long and arduous struggle to obliterate from the Statute-book.

\* 13 Car. II. c. 5. † *Ibid.*, Session 2, c. 1. ‡ 14 Car. II. c. 4. § See vol. iii. p. 488.

## CHAPTER VII.

Scotland.—The Scottish Parliament.—Execution of Argyle.—Episcopacy restored in Scotland.—Temper of the English Parliament.—Trial of Vane and Lambert.—Execution of Vane.—Catherine of Braganza.—Marriage of the King.—Profligacy of the King and his Court.—Insurrection in the North.—Conventicle Act.—Repeal of the Triennial Act.—Dutch War.—The Plague.—The Five Mile Act.—The Settlement Act.

THE real spirit of the Restoration is more clearly illustrated by the proceedings of the government in Scotland than by its actions at corresponding periods in England. Practically, since the victory of Dunbar, Scotland had ceased to be an independent kingdom. For the true prosperity of both countries it was desirable that this union should have been continued. To give the Stuart a fair field for carrying matters with a high hand in his ancient kingdom, it was expedient again to isolate the smaller and poorer portion of the island from the larger and wealthier. Of course, when the survivors of the Committee of Estates, that had been nominated by Charles in 1651, were again called to resume the government of Scotland; when a Lord Commissioner and other high officers were appointed; when a parliament was summoned to meet at Edinburgh,—the national pride was abundantly gratified, and Charles the Second was the best of kings. The people soon found that they had to pay a heavy price for this nationality, which was to involve the loss of the civil and religious rights which were dearest to the nation.

The Parliament which met at Edinburgh on the 1st of January, 1661, has been honoured with the name of “the drunken parliament.” Burnet says, “It was a mad roaring time, full of extravagance; and no wonder it was so, when the men of affairs were almost perpetually drunk.” In England, the passions of the Cavaliers were less fierce, and were held more in subjection by the obvious danger of provoking another Civil War. In Scotland, the dominant party had no thought beyond that of keeping its opponents under its feet. Argyle, as the great leader of the Covenanters, was now to offer the satisfaction of his head for the fall of

his rival Montrose. Upon the restoration of Charles, Argyle had hastened to London to offer his homage to the king. He was arrested; and then sent to Scotland, to be brought to trial for his alleged offences. When questioned before the Parliament he pleaded the amnesty of 1651, and the English government determined to admit the plea. He was then accused of having received a grant from Cromwell; of having aided the English invaders; and of having sat in Richard Cromwell's parliament, and voted for a bill which abjured the rights of the Stuarts to the Crown. The fate of Argyle was sealed when a packet arrived from England, containing letters from him to Monk, inimical to the king and favourable to Cromwell. To produce such private letters against an old associate in the same cause, was as base in Monk as it was infamous in the Parliament to be moved by such treachery to Argyle's condemnation. He was sentenced to be beheaded within forty-eight hours. He accepted his fate with courage and resignation. At the same time Guthrie, a Presbyterian minister, violent and uncompromising in his opinions, was put to death as an example to the clergy. He was personally obnoxious to Middleton, who in this, and in every other instance, went headlong to the gratification of his revenge. He procured the condemnation by the Scottish parliament of the son of the Marquis of Argyle, for writing a letter reflecting upon the acts of the government; and he would have put this nobleman to death, under the barbarous law of "leasing making"—sowing dissensions by falsehood—had not Clarendon interfered to stop the iniquity. Amidst these excesses against individuals, the more extensive tyranny of forcing Episcopacy upon a people so devoted to Presbytery was resolutely pushed forward. James Sharpe, who had been sent to London on a mission from his Presbyterian brethren, returned Bishop of St. Andrew's and Primate of Scotland. Other prelates were appointed, of whom four were consecrated in London. In the parliament of 1662, by the first Act of the session, "the whole government and jurisdiction of the church in the several dioceses was declared to be lodged in the bishops, which they were to exercise with the advice and assistance of such of their clergy as were of known loyalty and prudence: all men that held any benefice in the church were required to own and submit to the government of the church, as now by law established."\* The violence of the drunken Parliament was finally shown in the wanton absurdity of what was called the "Act Rescissory," by

\* Burnet, "Own Times," Book.

which every law that had been passed in the Scottish parliament during twenty-eight years was wholly annulled. The legal foundations of Presbytery were thus swept away. "The bill was put to the vote, and carried by a great majority; and the earl of Middleton immediately passed it without staying for an instruction from the king. The excuse he made for it was, that since the king had by his letter to the Presbyterians confirmed their government as it was established by law, there was no way left to get out of that, but the annulling all those laws."\*

The Parliament of England, as if to furnish a little excitement to the dull debates that had reference to non-conformity, in the beginning of 1662 turned its attention to the duty of shedding a little more blood, to expiate that of the royal martyr. The Parliament was hounded on to this work from the high places of the restored Church. The 15th of January was a general fast-day, "to avert God's heavy judgments on this land," the season being unusually rainy. Dr. Ryves, or Reeves, dean of Windsor, preached before the House of Commons, "showing how the neglect of exerting justice on offenders (by which he insinuated such of the old king's murderers as were yet reprieved and in the Tower) was a main cause of God's punishing a land."† His text was from Joshua, c. vii. v. 13, "There is an accursed thing in the midst of thee, O Israel: thou canst not stand before thine enemies until ye take away the accursed thing from among you." In the week in which Evelyn coolly records this Christian exhortation to avert the judgments of God, he has looked upon "an accursed thing," against which the pulpit of Westminster has no denunciations—the passion of gaming "in a Court which ought to be an example of virtue to the rest of the kingdom." Mr. Pepys says of this roaring time,—“At Court things are in very ill condition, there being so much emulation, poverty, and the vices of drinking, swearing, and loose amours, that I know not what will be the end of it, but confusion.” Rumours of conspiracies were rife at this period; and the virtuous Cavaliers of the Lower House thought with Dr. Ryves, that it would be a salutary measure to execute all the regicides whose fate, after conviction, had been suspended for the decision of Parliament. The Commons passed a Bill for their immediate execution, in direct opposition to the feeling of the Convention Parliament that their lives should be spared. The Lords read this Bill a first time, and then let it drop. Charles, to his honour, said

\* Burnet, "Own Times," Book ii.

† Evelyn "Diary."

to Clarendon, "I am weary of hanging, except for new offences;" and he trusted that the Bill against the regicides would not come to him; "for," said he, "you know that I cannot pardon them." Some of the minor offenders who had been excepted from the penalty of death, were now degraded from honours, and deprived of their estates. Lord Monson, Sir Henry Mildmay, and Robert Wallop, who were sentenced by Act of Parliament,\* to be drawn upon sledges with ropes about their necks from the Tower to Tyburn, and back again, suffered this indignity. The nineteen condemned regicides were confined in various prisons, and wore out their lives in such hopeless captivity as Henry Marten endured at Chepstow. Three regicides, Okey, Corbet, and Barkstead, who had not surrendered upon the king's proclamation, were captured in Holland, in March, 1662, by the agency of Downing, who had been Cromwell's ambassador at the Hague. "The Dutch were a good while before they could be persuaded to let them go, they being taken prisoners in their land. But Sir G. Downing would not be answered so: though all the world takes notice of him for a most ungrateful villain for his pains."† They were executed on the 19th of April, and died defending the justice of their actions. The compliance of the Dutch government in the surrender of political offenders, contrasted unfavourably with the sturdy independence of the little states of Vevay and Berne. Ludlow, and others, received ample protection and liberal hospitality in Switzerland; and the royalists thus failing to secure them, had resort to base attempts at assassination. One of these only was successful. John Lisle was shot at Lausanne, in 1664, as he was going to a church near the town-gate.

For some time after the promise of the king to the Convention Parliament that Vane and Lambert, in their exception from the Act of Indemnity, should not suffer death if found guilty of treason, they had remained prisoners in the Tower. On the 30th of October, 1661, Pepys enters in his Diary, "Sir Henry Vane, Lambert, and others, are lately sent suddenly away from the Tower, prisoners to Scilly: but I do not think there is any plot, as is said, but only a pretence." Vane solaced his captivity by compositions which show how earnestly he sought the one true and abiding comfort in misfortune. His enthusiastic religion, his ardent aspirations for civil liberty, his unselfish life, his eminent ability, render him the most interesting of the republican party. Clarendon

\* 13 Car. II. c. 15.

† Pepys, "Diary," March 17.

don sought his exemption from the Act of Indemnity because he was "a man of mischievous activity." On the 7th of March, 1662, in a letter to his wife, Vane writes, "They that press so earnestly to carry on my trial do little know what presence of God may be afforded me in it, and issue out of it, to the magnifying of Christ, in my body, by life or by death. Nor can they, I am sure, imagine how much I desire to be dissolved and to be with Christ, which of all things that can befall me I account best of all."\* Thus fortified against the worst, he was arraigned before the Court of the King's Bench on the 2nd of June, 1662, as "a false traitor." The overt acts of treason alleged against Vane and Lambert were, their exercise of civil and military functions under the Commonwealth. When we consider the number of men who had filled high offices during the suspension of the monarchy, and yet had been active instruments in its restoration, we marvel at the effrontery which should wrest the law to the conviction of two men who had been faithful servants of their country. The condemnation of Vane and Lambert was wholly against the spirit, if not the letter, of the statute of Henry VIII., which declared indemnity for all persons rendering obedience to a king for the time being, although his title might be defective. By party reasoning, obedience to the Parliament, which stood in the place of the king, could not be deemed a crime against the king *de jure*. But the judges maintained that Charles the Second was a king *de facto*, and had never been out of possession. Vane, who defended himself throughout with marvellous ability, replied that if the king was never out of possession the indictment against him must fall to the ground; for it alleged that he endeavoured to keep out the king. The courage, the proud consciousness of right, the lofty principles of Vane, were the reasons which would have induced a high-minded sovereign to adhere gladly to his promise that his life should be spared in the event of his condemnation. Charles was not a high-minded sovereign—he was selfish, corrupt, faithless, shameless. The letter which he wrote to Clarendon the day after Vane's trial is as characteristic of the man as any other of the acts of his unworthy life:

"The relation that has been made to me of Sir Henry Vane's carriage yesterday in the hall is the occasion of this letter, which, if I am rightly informed, was so insolent as to justify all he had done, acknowledging no supreme power in England but a Parlia-

\* Quoted in Mr. Forster's "Life of Vane," p. 210.

ment, and many things to that purpose. You have had a true account of all; and if he has given new occasion to be hanged, certainly he is too dangerous a man to let live, if we can honestly put him out of the way. Think of this, and give me some account of it to-morrow, till when I have no more to say to you.—C. R.

The department of a prisoner on his trial could not "give new occasion to be hanged," even if it had been most violent. Vane in his justification avoided every topic of offence to the king personally, as none of Vane's public acts had been marked by any personal hostility to him. The "if we can honestly put him out of the way," was not a scruple which Charles would long entertain. He was put out of the way on the 14th of June, dying with a courage which, says Pepys, "is talked on everywhere as a miracle." The life of Lambert was spared, according to that promise which the king did not scruple to violate when his victim was "too dangerous a man to let live." Vane was the last of the sacrifices on the scaffold to the revenges of the monarchy.

On the opening of the Parliament of 1661, the king announced that he was about to marry "a daughter of Portugal." This marriage had been advised by Louis XIV., who, although he had engaged to Spain to give no support to Portugal in its struggles to maintain its independence, saw in this English alliance a mode of strengthening Portugal against the power which entered into rivalry with him. The Spanish ambassador in London opposed the match, declaring that Spain would never cease to maintain her claims against the House of Braganza. Vatteville, the ambassador from Spain, and Bastide, the ambassador from France, each pressed their opinions upon the Council of Charles. When the Portuguese alliance was settled, they entered into a personal contest, which is an amusing variety of the dull battles of protocols. They resolved to fight out, in the streets of London, the claims of the two Crowns for precedency. Charles issued a proclamation forbidding his subjects to take part in the conflict which was to take place on the expected entry of the Swedish ambassador. On the Tower Wharf was drawn up, on one side of the stairs, the carriage of the Spanish ambassador; on the other side the carriage of the French ambassador. They were each surrounded by many liveried servants, on foot and horseback, fully armed. The Swede landed; and, occupying a royal carriage, went on his way. Then began the mighty strife of the representatives of the two greatest sovereigns in Europe, as to which should next follow. Their attendants

fought till fifty were killed or wounded; but the Spaniard won the race, by cutting the traces of the Frenchman's carriage. Why should not the quarrels of *courts* always be fought out in this fashion, which might give ambassadors some real business that would allow them less leisure to embroil *nations*?

In spite of the triumphant Vatteville, Charles married Catherine of Braganza. She was not remarkable for beauty, but she was sensible and amiable; and the king professed himself fortunate, and avowed his resolution to seek his future happiness in conjugal affection. His first act of devotion to his queen was to present lady Castlemaine to her in the midst of the Court. It was known to all, and to the queen herself, that "the lady" was his avowed mistress. Catherine suppressed her indignation; but the effort caused the blood to gush from her nose, and she was carried in a fit from the royal presence. The gracious king was indignant at the squeamishness of the queen; and insisted that Castlemaine should be one of the ladies of her bed-chamber. Clarendon remonstrated with his master, and ventured to compare royal harlots with other lewd women; but the remonstrances ended by the Chancellor undertaking to persuade the queen "to a full compliance with what the king desired." Catherine threatened to return to Portugal. Charles did more than threaten—he sent away her old servants, with the exception of a few, who were allowed to remain when the queen's spirit was humbled to ask a favour. Clarendon, in his 'Life,' tells the issue of this characteristic scoundrelism of "our most religious and gracious king"—the title which the discriminating bishops now gave Charles in the Liturgy: "The king pursued his point: the lady came to the court,—was lodged there,—was every day in the queen's presence,—and the king in continual conference with her, whilst the queen sat untaken notice of; and if her majesty rose at the indignity and retired into her chamber, it may be one or two attended her; but all the company remained in the room she left, and too often said those things aloud which nobody ought to have whispered . . . All these mortifications were too heavy to be borne; so that at last, when it was least expected or suspected, the queen on a sudden let herself fall first to conversation and then to familiarity, and, even in the same instant, to a confidence with the lady; was merry with her in public, talked kindly of her, and in private used nobody more friendly."

The Infanta of Portugal brought to Charles three hundred and

fifty thousand pounds as her dowry. The English Crown also acquired Tangier, a fort on the coast of Africa. The possession of Tangier, which the nation regarded as worthless, was to compensate for the sale of Dunkirk, which the nation regarded as one of the chief triumphs of the foreign policy of the great Protector. Charles was more eager to put money into his purse, than to gratify the national pride; and Louis the Fourteenth was as desirous to obtain Dunkirk as Charles to convert the Gibraltar of that day into jewels for new mistresses. Louis made a cunning bargain. He gave four millions of livres in bills; and then employed his own ready money to discount his own bills, at a saving of half a million. According to Louis's own account of the transaction, his rival in the treaty was the city of London, the lord mayor having been deputed to offer any sum, that Dunkirk might not be alienated. Clarendon had advised the sale, although he had a little before, in a speech in Parliament, dwelt on the value of the place. The people, naturally enough, however unjustly, held that the Chancellor had been bribed. The magnificent palace that he was building near St. James's was popularly called "Dunkirk House;" and the national dislike of the sale of Dunkirk was one of the first symptoms that his power was on the wane. His participation in that sale subsequently formed an article of his impeachment. The popular opinion that the sale of Dunkirk was to supply new funds for the profligacy of the Court, was confirmed by the public demonstrations of that profligacy. Lord Buckhurst and Sir Charles Sedley had outraged all decency by an exhibition which Pepys recorded in cypher, but which his editor says is "too gross to print." Baxter gives us some notion of "the horrid wickedness" of these titled blackguards, "acting the part of preachers, in their shirts, in a balcony" in Covent Garden.\* With such companions was Charles now generally surrounded. All thoughts of business were abhorrent to him. To lady Castlemaine's lodgings he was followed by his "counsellors of pleasure," who laughed at the "old dotards" who presumed to talk in a serious vein. Rivals to "the lady" now sprung up, with the usual incidents of jealousies and poutings, to be averted by lavish presents to the old favourite, or heavier bribes to the new. The English Court became the ridicule of foreigners. The Dutch caricatured the king in various of his characteristic positions. In one print he was shown with "pockets turned the wrong side outward, hanging out empty;" in

\* "Life," Part iii. p. 13.

another, with two courtiers picking his pockets; in a third, leading two ladies, whilst other ladies were abusing him.\* The heartless swindler had appropriated great part of his queen's jointure to his rapacious mistresses. The people, who groaned under the tax of "chimney-money," and declared they would not pay it without force, were yet pleased with the gossiping familiarity of the king, as he sauntered among them, feeding his ducks in the new Canal in St. James's Park, or joining his nobles in a game at "Pell-Mell." The Chevalier de Grammont saw Cromwell, "feared at home, yet more dreaded abroad, at his highest pitch of glory." He then saw "an affectation of purity of manners instead of the luxury which the pomp of Court displays." He came to the Court of Charles II., and "accustomed as he was to the grandeur of the Court of France, he was surprised at the politeness and splendour of the Court of England." What that "politeness and splendour" really covered is disgusting to look back upon, when we know that we are beholding the manners of our own countrymen. There were other men than the republican John Milton, who felt that they had "fallen on evil days." There were others than Puritans who listened not to

"the barbarous dissonance  
Of Bacchus and his revellers."

But, taken as a whole, the nation was degraded. Its old spirit was gone. There was a feeble attempt at insurrection in the north in 1663. This outbreak was partly of a religious character, and partly of a political. The insurrection, which was put down by a few of the king's guards, was an excuse for persecuting some of the surviving republicans,—amongst others, colonel Hutchinson, whose quiet and decorous life was an offence which was to be expiated by his death in the damp vaults of Sandown castle. The day of retribution was not yet come: but the handwriting was on the wall. "We are much indebted," says Mr. Hallam, "to the memory of Barbara, duchess of Cleveland, Louisa, duchess of Portsmouth, and Mrs. Eleanor Gwyn. We owe a tribute of gratitude to the Mays, the Killigrews, the Chiffinchés, and the Grammonts. They played a serviceable part in ridding the kingdom of its besotted loyalty. They saved our forefathers from the Star-chamber and the High-commission court; they laboured in their vocation against standing armies and corruption; they pressed forward the great ultimate

\* Pepys, November 28, 1663.

security of English freedom, the expulsion of the House of Stuart."

The abortive insurrection of the autumn of 1663 was made the pretext for a new measure against non-conformists in the session of 1664; and for an important change in the constitution of Parliament. The king, in his speech on the opening of this session, said, "You may judge by the late treason in the north, for which so many men have been executed, how active the spirits of many of our old enemies still are. . . . It is evident they have correspondence with desperate persons in most counties, and a standing council in this town. . . . Some would insist upon the authority of the Long Parliament, of which, they say, they have members enough, willing to meet; others have fancied to themselves, by some computation of their own upon some clause in the Triennial Bill, that this present parliament was at an end some months since." The alleged connection of some Fifth Monarchy men with this trifling insurrection of Farnley Wood, near Leeds,—of which Bennet, one of Charles's ministers, said that the country was too ready to prevent the disorders—was made the pretext for "An Act to prevent and suppress seditious Conventicles."\* The preamble states that the Act is "for providing further and more speedy remedies against the growing and dangerous practices of seditious sectaries, and other disloyal persons, who under pretence of tender consciencies do at their meetings contrive insurrections, as late experience hath showed." But, insolently assuming that all religious assemblies of non-conformists were seditious, it enacted that if five or more persons besides the household were present at "any assembly, conventicle, or meeting, under colour or pretence of any exercise of religion in other manner than is allowed by the Liturgy or practice of the Church of England," then every person so present should, upon record before two justices of the peace, or the chief magistrate of a corporate town, be liable to certain fines, imprisonment, or transportation, for a first, second, or third offence. Under this abominable statute, puritan ministers who had been ejected from their benefices, and their admiring followers, were thrown into prison. Baxter has related in his plain and forcible manner how this law interfered with the ordinary affairs of life amongst serious people: "It was a great strait that people were in, especially that dwell near any busy officer, or malicious enemy (as who doth not?). Many durst not pray in their families

\* 16 Car. II. c. 4.

if above four persons came in to dine with them. In a gentleman's house it is ordinary for more than four, of visitors, neighbours, messengers, or one sort or other, to be most or many days at dinner with them: and then many durst not go to prayer, and some durst scarce crave a blessing on their meat, or give God thanks for it. Some thought they might venture if they withdrew into another room, and left the strangers by themselves. But others said, 'It is all one if they be but in the same house, though out of hearing, when it cometh to the judgment of the justices.' In London, where the houses are contiguous, some thought if they were in several houses, and heard one another through the wall or a window, it would avoid the law. But others said, 'It is all in vain whilst the justice is judge whether it was a Meeting or no.' Great lawyers said, 'If you come on a visit or business, though you be present at prayer or sermon, it is no breach of the law, because you meet not on pretence of a religious exercise.' But those that tried them said, 'Such words are but wind when the justices come to judge you.' And here the fanatics called Quakers did greatly relieve the sober people for a time: for they were so resolute, and gloried in their constancy and sufferings, that they assembled openly (at the Bull and Mouth, near Aldersgate) and were dragged away daily to the common jail; and yet desisted not, but the next day nevertheless; so that the jail at Newgate was filled with them. Abundance of them died in prison, and yet they continued their assemblies still."\* For years were the persecutions under this Statute continued with all the severity that the government could call forth. Clarendon intimates that the Act was not rigorously executed, otherwise it would have produced a thorough reformation. Dr. Creighton, preaching before the king, said that "the greatest part of the lay magistrates in England were Puritans, and would not do justice; and the bishops' powers were so taken away and lessened, that they could not exercise the power they ought."† With accommodating magistrates, and a persecuting hierarchy, the times of the Star Chamber would soon have come back. But some magistrates were honest, and some church-dignitaries merciful and tolerant. The Parliament was still compliant enough. They were yet far from manifesting any serious doubts of the value of passive obedience. But their very intolerance towards Protestant dissenters was, in some degree, a result of their suspicion of the king's desire to show favour to the

\* "Life," p. 436.

† Pepys, "Diary," March 26, 1664.